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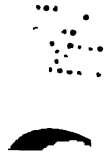

American Commonwealths

MARYLAND

THE HISTORY OF A PALATINATE

BY

WILLIAM HAND BROWNE

SECOND EDITION

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PREFACE.

THE most interesting and least known period of Maryland's history is that which preceded the War of Independence. The political and material development of a Province founded under peculiar circumstances and a unique form of government, were determined by causes in many respects unlike those which operated in the other colonies; and, so far as the State has, in her later career, differed from her sisters, this difference may, in the main, be traced back to the original dissimilarity.

Though Maryland fought in the War of Independence, as the faithful ally of the United States, no military operations of any consequence took place on her soil; while to write an account of the deeds of Maryland soldiers in the war would be to write the history of the war itself.

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It has, therefore, seemed advisable to limit the present volume to a history of the Palatinate government.

This narrative has been written, almost entirely, from the original manuscript records and archives, now, by the liberal action of the General Assembly, made easy of access to every student.

MARYLAND:

THE HISTORY OF A PALATINATE.

CHAPTER I.

WITH the plantation of Maryland begins the third stage of English colonisation in America. The first adventurers, the Spaniards, found organised kingdoms, an advanced civilisation, populous cities, and broad highways. They could march in a compact phalanx to the capitals of Mexico and Peru, and strike them at the very heart. When once the military strength of the natives was broken, their complete subjugation was easy. The conquerors also found abundant gold and silver, and poured what seemed an inexhaustible stream of the precious metals into the coffers of Spain. The results of Spanish conquest, however we may now regard them, were dazzling successes to the Europe of the sixteenth century; and the first attempts of England to rival her ancient foe were imitations of the Spanish adventures.

The general plan of Ralegh, Gilbert, and Lane was to plant armed colonies in the midst of a conquered people, as a basis for working the gold mines and pearl fisheries to be afterwards discovered. It is just possible that these attempts might have succeeded in the miserable sense in which the Spanish conquest was a success, but that to the search for gold was added the search for a northwest passage to the Indies, by which English ships might turn the flank of Spain and Portugal, whose fleets held the key of the East after the Turks had closed the gate of Constantinople. This gave the English voyages of discovery a northern course, and landed the adventurers in regions where there was no gold, and among scattered savage tribes of hunters and fishers of whom no profitable conquest could be made. The first attempts at colonisation, therefore, resulted in failures more or less disastrous; but they added to the knowledge of the country and its resources, and thus prepared the way for experiments on a more rational plan.

The second stage was that of chartered companies, who proposed to plant colonies and manage them on the joint-stock principle. These were chiefly promoted by merchants, and commercial ideas were predominant in their plans and administration. They were to be

self-supporting trading outposts of England; they were to buy peltries, catch fish, or raise tobacco to be sent to England; the direct profit to the stockholders being the first thing considered, and the indirect profit to English commerce, the second. The idea of a colony as a part of England beyond the ocean, whose interests were as well worth caring for as if it were ringed within the four seas, was as much beyond the horizon in the days of James as in those of George III.

The stories of these commercial colonies are no part of our subject. The radical faults of the system were: first, that they were administered for England's benefit and not for their own; second, that most of the stock was held by persons whose interest in the colony was limited to the receipt of dividends; third, that between the companies' councils and the provincial Assemblies the administration was divided and inconsistent.

From these and other causes, Virginia, after a career of disasters checkered with gleams of prosperity, had fallen into such a state of embroilment that the legal advisers of the crown declared the charter a failure, and recommended that the King should take the government into his own hands. On the 24th of July, 1624, the company's patent was formally revoked by a

judicial decision, and all the rights conveyed by it reverted to the crown.

The next plan tried was that of a proprietary government. An individual received a grant of land with necessary legislative and executive powers, and he undertook to settle and administer a colony as his private estate, under the sovereignty of the crown. His own fortune was dependent upon the prosperity of his colony, which thus was an end in itself, and not merely the means toward an end. One of the earliest of the proprietaries, Sir George Calvert, brought to his task patience, constancy, and a clear practical view of the needs and risks of colonisation in America; and though his first attempt was a failure, that failure showed him how to lay the foundation of the first English colony that was successful from the start.

Calvert was born in 1582, his father, Leonard Calvert, being a Yorkshire gentleman of Flemish descent, and his mother, Alicia Crossland; and it may be that to this tempering of Flemish constancy with Yorkshire shrewdness, the family partly owed their success in life. After receiving a liberal education at Oxford, he travelled on the Continent, and on his return married Alice Wynne, granddaughter of Sir Thomas Wroth, Queen Elizabeth's commissioner to Ireland — an office which Calvert af-

terwards held — and cousin of Sir Robert Wroth, the friend of Ben Jonson. Soon after his return, Calvert was employed in public service, where his abilities attracted the attention of Sir Robert Cecil, who rapidly advanced his fortunes. In 1617 he was knighted, and about a year afterwards appointed principal Secretary of State to James I., who gave him a large grant of land in Ireland.

He seems at an early date to have taken interest in the plans for American colonisation, for, besides being one of the councillors of the New England Company, in 1609 he was a member of the Virginia Company, and so continued until the revocation of its charter, when he was appointed one of the Provisional Council for the government of that colony. It is not unlikely that his knowledge of the defects in the administration of Virginia, with the insight he thus acquired into American affairs, disposed him to make a venture at colonisation on a different plan.

In 1620 he bought from Sir William Vaughan, who had a patent for part of Newfoundland, his rights over the southeastern peninsula of that island; and the next year sent over a body of colonists with a large sum of money, in two ships, one of which, the Ark, afterwards carried the first settlers to Maryland.

In his choice of a site he was probably influenced by the stories of Captain Richard Whitbourne, who had often visited the country, and whose "Relation of the New-found-land" Calvert helped to circulate for the encouragement of colonists. If he built his expectations on the glowing accounts of Whitbourne, his disappointment must have been sharp. Whitbourne pictures the island as almost an earthly paradise: the land produced fruits in abundance without the aid of man; the waters swarmed with fish; the woods were vocal with song-birds, "filladies, nightingales, and such like, that sing most pleasantly;" even the beasts of prey were milder-mannered and more benevolent in character that those of less gentle climes. As to the cold of winter, it was a mere trifle; the winters in England were often colder. The old lures, gold mines and the northwest passage, are again thrown out in a careless fashion; and he even holds out a prospect of mermaids, though whether these were to be reckoned among the commercial or picturesque attractions of the island is not precisely expressed. The author writes with a bluff old-sailor-like frankness befitting the hardy Devonshire skipper who had commanded his own ship in fighting the Spanish Armada.

For some time nothing occurred to undeceive

Calvert; the reports sent from his colony were encouraging, and he was liberal in his supplies of money. He applied for a patent, and in December, 1623, all Newfoundland was granted to him. Either this was more than he wanted, or there was some mistake about the grant, for in the following March a re-grant was issued, conveying to him the southeastern peninsula before mentioned, to which, in commemoration of the spot to which a pious tradition assigned the first preaching of Christianity in Britain, he gave the name of Avalon.

The charter of Avalon differed but slightly from that of Maryland, for which it evidently served as a model. It sets out with a declaration of the zeal of the grantee for the extension of the Christian religion, as well as the enlargement of the King's dominions. This was the usual phrase of charters, a religious being put before a worldly motive, as the Cornish miners, when they begin to bore, declare that it is "for the grace of God, and what they there may find." The pioneer of the New World held out as parallel advantages a route for devotion to the Holy Sepulchre, and for commerce to Cathay, no doubt enlarging chiefly on the former motive to Isabela the Catholic, and on the latter to Ferdinand the Prudent.

English goods might be exported to Avalon

duty-free, and goods arriving from Avalon at English ports were free of duty for ten years. Avalon, moreover, was to be held *in capite* by knight's service, probably the latest instance of that tenure on record.

In the same year, 1623, the negotiations for the Spanish marriage of Prince Charles were broken off, and Calvert, who had strongly favored that policy, found himself on the unpopular side. Instead of veering, as did some of his colleagues, with the changed policy of the Duke of Buckingham and the court, he took a step which barred the way to future political advancement, declaring that he had become a convert to the faith of Rome, and at the same time resigning his office of Secretary of State.

James could not reasonably be offended with a declaration so obviously conscientious, and he tried to induce Calvert to retain his office. Failing in this, he kept him in his place in the Privy Council, and raised him to the Irish peerage as Baron Baltimore, of Baltimore, in the county of Longford.

On the death of James, in 1625, Lord Baltimore retired from the Council, much against the wishes of Charles, who even offered to dispense with the oath of supremacy in his case.

In 1627 Baltimore visited his young col-

ony from necessity, it seems, rather than from choice; for we find him writing to Sir Thomas Wentworth, just before he sailed: "I must either go and settle it in better order, or else give it over, and lose all the charges I have been at hitherto, for other men to build their fortunes upon. And I had rather be esteemed a fool by some, for the hazard of one month's journey, than to prove myself one certainly for six years by-past, if the business be now lost for the want of a little pains and care." It, however, may well be that the weary statesman, in broken health, looked to find in the New World a peaceful haven from the storms that were gathering in England.

In the following year he removed to Avalon with his wife and family, except his eldest son Cecilius, and about forty more, raising his little colony to about a hundred souls. Here he soon found that he had troubles before him that he had not bargained for. In August, he writes to the Duke of Buckingham, "I came to build, and settle, and sow, and I am fallen to fighting Frenchmen."

The facts of the affair, as he gives them in letters to the King and Duke, were these: The French Admiral De la Rade, with three ships and about four hundred men, sailed into the harbor within a league of Baltimore's house,

surprised the fishermen, and took two English vessels that were loading there. Baltimore sent out two ships of his own to attack them, on which the French put to sea, and being the swifter sailers, escaped, leaving behind their prizes, plunder, and sixty-seven men on land who were taken prisoners. A few days later the Frenchman made a descent upon Conception Bay, and did more mischief; whereupon Baltimore again sent out his ships, which missed the Admiral, but took six French vessels in Trepasse Harbor, and these were sent as prizes to England, Baltimore's ships acting as convoy to the whole merchant fleet. In the same letter he asks for two men-of-war to protect the colony; and this request was further urged by his son Leonard, who returned to England. In December, the Sainte Claude, one of the prizes, was lent to Baltimore for a year.

But the Proprietary had foes within his colony, as well as foes without. A Puritan divine, Stourton by name, went from Avalon to England and reported to the mayor of Plymouth that Lord Baltimore had brought Popish priests into the colony who celebrated mass every Sunday; a piece of news which so horrified the magistrates that they sent the informer to tell his tale to the Privy Council, beyond which we hear no more of it.

The colony's worst foe, however, was neither the plundering Frenchman nor the delating Puritan, but the inhospitable climate. The reports which had been sent him had been, like Whitbourne's yarns, too highly colored. Isothermal lines were not known at that time, and Baltimore could hardly have imagined that a country might have the latitude of Poitou and the climate of northern Norway. In a letter to the King he admits that he has been deceived, and, except as a fishing-station, his colony is a failure. Land and sea are frozen hard from mid-October to mid-May, in a cold so great as hardly to be endured. Half his colonists have been sick, besides himself, nine or ten dying, and his house has been a hospital all the winter. With all this his zeal for colonisation has not abated, and he solicits of the King some tract of land in Virginia. The King, in reply, assures him of his friendly regard and sympathy, but advises him to give up the idea of founding a colony, and come back to England.

The rest of the story of Avalon may as well be told here. Calvert's fortune was not only seriously impaired,—he had spent over £30,000, an immense sum in those days, on his colony,—but his health had been fatally undermined. After his death, his son Cecilius sent out Captain Hill as governor, and the fishery seems to

have been carried on with some success. In November, 1637, Sir David Kirke, upon a representation that Baltimore had entirely abandoned his plantation, obtained a grant of the whole island of Newfoundland. At a later date the charge was brought that this grant had been "surreptitiously" obtained; and it looks as if there had been some underhand doings about it, as in the preceding May the King had strictly charged the commissioners for plantations, councillors, keepers of the seals, and other officers of the crown, to allow no patent, commission, or warrant to pass which might in any way infringe Baltimore's rights in Avalon and Maryland, and engaging his royal word never to permit any *quo warranto* or other proceedings for infringing or overthrowing either of those patents.

Kirke, however, took possession, thinking perhaps that the King was too much occupied just then with Hampden, Prynne, and the Court of High Commission to heed what was going on in that corner of the world. He seems to have carried matters with a high hand, as complaints were sent home, from time to time, of his tyrannous and unlawful doings. The evil which he did seems to have lived after him, for in 1668 a writer, reporting the state of the island, ascribes the depravity of the fisher-

men in great part to the fact that Sir David Kirke had "introduced taverns and tippling-houses to his own advantage, which debauched the seamen."

In 1655, Kirke made over part of his interest in the island to John Claypole, Cromwell's son-in-law, and others; and, in 1660, Lewis Kirke tried to get his brother's grant confirmed. Baltimore protested, and the matter was heard before commissioners, who reported in Baltimore's favor, upon which the King ordered the Kirkes to surrender Avalon. The order was disobeyed, nor was any compensation made to Baltimore for the unlawful detention of his property for so many years; so upon David Kirke's coming into England, Baltimore brought suit against him, and obtained a judgment, failing to satisfy which, Kirke was cast into prison, where he died. The brothers, however, still retained their grip of Avalon until 1663, when the King ordered that the province should be delivered to Swanley, Baltimore's lieutenant or governor. Swanley seems to have governed the province fairly well; at least a report on Newfoundland, in 1668, which represents the island as in confusion, and without government, expressly excepts the province of Avalon.

From this date we lose sight of Avalon as a distinct government, though it had its full share

of the French troubles in the following century. The Proprietaries, occupied with the interests of Maryland, apparently neglected it. In 1754, Frederick, sixth and last Lord Baltimore, revived his claim, and tried to have it confirmed; but this was denied, on the ground that the proprietary rights had lapsed from long disuse; and Avalon, as a province, ceased to exist, though the peninsula still retains its ancient name.

CHAPTER II.

We now revert to Lord Baltimore. Before the King's letter advising him to return to England had been written, he was already on his way to Virginia with his wife and family and some forty of his colonists, and arrived at Jamestown, October 1, 1629. Some intimation of his designs had preceded him, and the Virginians gave him a reception by no means cordial. On his landing he was met by Governor Pott and his Council, — among the rest, William Claiborne, of whom we shall hear more, — who tendered him the oaths of supremacy and allegiance. This was rather a cool proposition to one who had so recently held high office under the King, and been a member of the Provisional Council for the government of Virginia after the revocation of the charter; but they cared less for courtesy than for forcing Calvert away. The oath of allegiance he might have taken, but the oath of supremacy, requiring the party to swear that he believed the King to be "the only supreme governor in his realm and dominions, in all spiritual or ecclesiastical things

or causes," was an invention of Elizabeth's time, intended as a safeguard of the sovereign against such persons as were suspected of treasonable designs, and was to be administered only by officers specially designated. Of course Baltimore, believing the Pope to be the spiritual head of the Church, neither could nor would take this oath. He might very well have challenged their right to offer it, since while it is true that the President and Council of the Virginia Company had been empowered to administer this oath, no such power was given to Pott, or any authority in the province after the company's dissolution, and in offering it they incurred the penalties of a high contempt.

Calvert, however, unwilling to provoke animosity, offered to take a modified form of the oath, but this they would not accept. He was even insulted and threatened with personal violence by some of the baser sort, and it was evident that he must seek a site for his colony elsewhere, if it was to have a peaceful beginning. After some examination of the coast, he returned to England, and asked the King for a grant of territory south of the James River. The charter was made out, when he again met with opposition from Virginia; Claiborne, and others, having gone to England to obstruct the grant. To avoid all difficulty, Baltimore again

changed his plans, and asked for a part of the unsettled region north of the Potomac. This was granted him, and a charter, modelled on that of Avalon, was drawn, the new colony receiving the name of Maryland, or Terra Mariae, at the King's request, in honor of Queen Henrietta Maria, though Calvert, it is said, had intended to call it Crescentia, possibly in honor of the bold consul who, in the tenth century, threw off the Saxon yoke, and set Rome free; but more probably as a name of good omen for its growth and prosperity.

Before the charter had passed the Great Seal, Baltimore, whose health, long weak, seems to have been quite broken by the rigors of the Newfoundland climate, died, on April 15, 1632. He had risen from obscurity to places of high honor and trust, and to hereditary rank; he had enjoyed, without abusing, the confidence and friendship of kings; he had adhered to his political and altered his religious opinions, when his constancy and his change were alike fatal to his advancement, and he died leaving a name without reproach from friend or enemy, and which, if evil tongues of a later day have attempted in vain to sully, it is because detraction, no less than death, loves a shining mark.

The grant of Maryland was now made out to

Calvert's eldest son, Cecilius, named in honor of his early patron and friend, and bore the date of June 20, 1632.

The boundaries of Maryland, unlike those of the other colonies, were precisely defined. Its limits were: on the north, the fortieth parallel of north latitude; on the west and southwest, a line running south from this parallel to the farthest source of the Potomac, and thence by the farther or western bank of that river to Chesapeake Bay; on the south by a line running across the bay and peninsula to the Atlantic; and on the east by the ocean and the Delaware Bay and River. It included, therefore, all the present State of Delaware, a large tract of land now forming part of Pennsylvania, and another now occupied and claimed by West Virginia.

The charter of Maryland contained the most ample rights and privileges ever conferred by a sovereign of England. It erected Maryland into a palatinate, equivalent to a principality, reserving only the feudal supremacy of the crown. The Proprietary was made absolute lord of the land and water within his boundaries, could erect towns, cities, and ports, make war or peace, call the whole fighting population to arms, and declare martial law, levy tolls and duties, establish courts of justice, ap-

point judges, magistrates, and other civil officers, execute the laws, and pardon offenders. He could erect manors with courts-baron and courts-leet, and confer titles and dignities, so that they differed from those of England. He could make laws with the assent of the freemen of the province, and, in cases of emergency, ordinances not impairing life, limb, or property, without their assent. He could found churches and chapels, have them consecrated according to the ecclesiastical laws of England, and appoint the incumbents. All this territory, with these royal rights, "*jura regalia*," was to be held of the crown in free socage,[1] by the delivery of two Indian arrows yearly at the palace of Windsor, and the fifth of all gold or silver mined.

The colonists and their descendants were to remain English subjects, free to visit or leave England without hindrance or tax, to hold, acquire, or transfer landed or other property in

[1] The tenure of free socage differed from a tenure by knight's service, in that military service was not a condition of the grant, and from a tenure *in capite*, that a fixed payment was substituted for services of uncertain amount. In Baltimore's case, the payment of the two arrows was all that was required. His tenants in Maryland held their lands of him as mesne lord, also in free socage, being discharged of all services by a yearly payment, thence called a quit-rent, and this, with allegiance to the King as lord paramount and fealty to the Proprietary, were the only conditions imposed.

England, and to trade freely to England or other foreign ports. They could have, of course, no representation in Parliament, since Parliament had no power to make laws for them; but they could accept or reject the laws proposed by the Proprietary, which laws were to be agreeable to the laws and statutes of England, "as far as conveniently might be." The King furthermore bound himself and his successors to lay no taxes, customs, subsidies, or contributions whatever upon the people of the province, and in case of any such demand being made, the charter expressly declared that this clause might be pleaded as a discharge in full.

This charter, by which Maryland was virtually an independent and self-governed community, placed the destinies of the colonists in their own hands. The powers granted the Proprietary might have been oppressive in the hands of a man less wise, just, and humane than Cecilius Calvert, who knew when to yield and when to stand firm. Though often attacked, and at times held in abeyance, the charter was never revoked, and was only cast off when the arbitrary power of England had violated its pledges, and the people of Maryland, having outgrown their minority, were ready to take the sovereignty into their own hands.

This charter was, of course, bitterly resented by the Virginians. Part of the members of the old company, who still hoped to regain their lost franchise, protested against it on the grounds that it was an invasion of their chartered rights, and that Maryland might prove a dangerous neighbor. As their chartered rights had now no existence, and as it was scarcely to be expected that the crown would be willing to fence off each colony by a neutral unsettled zone, it is probable that the protest was merely formal. So the Privy Council seems to have considered it, for after summoning the parties before them, and hearing them fully on both sides they decided that Baltimore must be left to his patent, and any wrongs done any of them could be redressed by ordinary process of law.

Calvert in the mean time steadily pressed forward his preparations. He fitted out two vessels, the Ark, of three hundred and fifty tons, which had already carried his father's first colonists to Avalon, and the Dove, of about fifty tons, and loaded them with supplies and implements, — bearing himself most of the cost, about £40,000, of the first emigration. The company colonists consisted of about twenty gentlemen and between two and three hundred laboring men and handicraftsmen in

their employment. Considerable ingenuity has been spent in attempts to determine the proportions of Roman Catholics and Protestants among them, which are nowhere recorded, and it seems probable that most of the "gentlemen adventurers," as they were called, were Catholics, and most of the laborers and servants Protestants.[1] Baltimore did not go out himself with his colonists, his presence in England being necessary for the defense of his charter, which was attacked both openly and covertly; but he placed the expedition under the command of his brother Leonard, his younger brother, George, also going out in the company.

The Ark had already left Gravesend, on the 18th of October, when some vigilant person reported to the Star Chamber that the crew had not yet taken the oath of allegiance. As all sorts of alarming rumors had already been buzzed about touching the purpose of the voyage, and among the rest that it was to carry nuns and soldiers to Spain, the Lords seem to have thought it a case for prompt action, and

[1] Watkins, the London "searcher," reports that he went on board the Ark and Dove "over against Tilbury," and administered the oath of allegiance to "one hundred and twenty-eight emigrants." If those were all the Protestants, and the rest who embarked at the Isle of Wight were all Catholics, it would make the Catholics the more numerous, but the inference is very uncertain.

Secretary Coke hurried off an order to Admiral Pennington, then guarding the Straits, to stay the ships. The original dispatch is indorsed with the word "haste" ten times repeated, with the additions of "post-haste" and "all speed," and is noted on the back as having reached Bishopsgate at twelve, Dartford at four P. M., Rochester at six at night, and Sandwich at three in the morning, being forwarded, apparently, by relays of couriers.

After further delays the vessels were allowed to proceed, and on their outward passage they stopped at the Isle of Wight, where they took on board two Jesuit fathers, Andrew White and John Altham, and a number of other colonists. They finally sailed for America on November 20, 1633. An interesting narrative of the voyage, in Father White's quaint ecclesiastical Latin, is still preserved.

After a violent storm at starting, the ships reached Barbadoes on January 3d, and after touching at several of the islands, arrived at Point Comfort, in Virginia, on February 27th. Here they rested for eight or nine days, when they again sailed northward and reached the Potomac.

On an island which they named St. Clement's, near the mouth of the Potomac, — of which to-day but a sand-bank remains, — the pilgrims

celebrated their first mass in the New World, on the feast of the Annunciation, March 25, 1634, which was also New Year's Day, according to the reckoning then in use, and planted a cross, in sign that this was to be henceforth a Christian land.

It was, in truth, a goodly land that they had come to, a land of broad streams, of fertile plains, of gentle hills, and green woodlands; and the eyes of the colonists were charmed with the strange and beautiful trees, the vines loaded with grapes, the flocks of wild turkeys, the countless multitudes of water-fowl, the bright new birds, — the blue jay, the tanager glancing like a scarlet flame, and the oriole, dressed in the Maryland colors of gold and black, and henceforth dear to Maryland eyes.

The Indians whom they met were a friendly and peaceful race, inferior in size, strength, and ferocity to the warlike Susquehannoughs and Iroquois tribes to the north, and they received the strangers most amicably. They had several chiefs, but all acknowledged the sovereignty of the "Emperor of Pascataway," who was then a minor, his uncle Archihu being his guardian, and ruling the tribe. Governor Leonard Calvert and his suite paid this forest prince a visit, who welcomed them to his dominions, and gave them permission to settle where they

would. Friendly intercourse was soon established, and the natives crowded to gaze at the ships, which they took to be gigantic canoes, and were loud in their wonder where such big trees could have grown.

Guided by Henry Fleete, a Virginian, who had lived much among the Indians, and knew the country, the English sailed up the Potomac till they found, at the mouth of a small affluent, a suitable site, with a good harbor, where they proposed to fix their future habitation. The land here belonged to the king or chief of the Yaocomicos, from whom they bought a tract for axes, hoes, and cloth, and laid out the plan of a city, which they called St. Mary's. It so happened that the natives had been for some time past so cruelly harried by the Susquehannoughs that they had resolved, in desperation, to abandon their lands and seek a safer home elsewhere; so they readily gave up to the English not only the land, but also part of their village, reserving part for themselves until they should have gathered their growing crops. To Father White and his associates was assigned a chief's cabin or hut of poles, which he consecrated as a church, and calls "*primum Marylandiae sacellum*" — the first chapel of Maryland. He notes with pleasure the kindly and cheerful disposition of the natives, their temper-

ance in eating, "living chiefly upon preparations of Indian corn, — *quem* pone *et* omini *appellant*," — still familiar words to Maryland ears; the modesty of both men and women, and their gratitude for any act of kindness. "Surely," he adds, in the benevolence of his heart, "God hath some great benefit in store for this people;" a prophecy which one knows not whether to consider fulfilled or falsified. They vanished, one knows not how, by painless extinction, we trust, and were spared the experience of Indian reservations and Bureaus.

Certain it is that the relations with the southern Indians were always friendly; and though the Susquehannoughs to the north gave trouble at times, so justly and firmly were they dealt withal that they joined with the colonists in treaties of mutual assistance and defence against the inroads of "foreign Indians," especially the Senecas, Cayugas, and other Iroquois tribes, and were formally declared, in the preamble of an Act for giving them armed assistance, "a Bullwarke and security of the northern parts of this Province."

CHAPTER III.

WHILE Maryland was spared the chief causes of disaster to the other colonies, — Indian hostilities and maladministration, — serious and well-nigh fatal dangers arose in a quarter whence she might have looked for friendship and help. The animosity of the Virginians seemed to increase as the new colony gave promise of prosperous growth. Their causes of irritation were three, — two sentimental and one commercial. They were exasperated that the Maryland charter covered land that had once been included in their own, though they had neglected it; they looked with distrust as well as dislike on the neighborhood of what they called a popish settlement; and they were aggrieved that the Marylanders had the privilege of trade in foreign markets, which was denied to them.

Complaints on these scores, they plainly saw, would avail them nothing at the time; but if a flaw could be found in the charter, something, they thought, might be done. They had attacked the charter already, as we have seen,

before the Privy Council, and without success, but they did not altogether lose heart. Now the Maryland patent describes the land granted, in the usual phrase of such charters, as *hactenus inculta*, — hitherto uncultivated; and though these words were merely a description of the land, and not a condition of the grant, they thought that by adroit pleading a case might be made out of Claiborne's claim to Kent Island. As this whole business of Claiborne's is even now but imperfectly understood, and as it seriously affected more than twenty years of Maryland's history, it is as well to give, once for all, the essential facts somewhat in detail. Baseless as the original ground of quarrel was, it was the misfortune of both colonies that Virginia had a man to urge it of extraordinary tenacity of purpose and of unhesitating resource; who devoted the best years of his life to hostility to Maryland, and twice nearly brought it to destruction. The trivial question whether a small and unprofitable trading-post should be held mediately or immediately under the King, served as the rallying-point for all the animosities of a generation; and the territorial quarrel of Virginia and Maryland, the religious quarrel of Puritan and Catholic, and the political quarrel of Royalist and Roundhead, all gathered around the claim of Claiborne.

William Claiborne was a younger son of an ancient Westmoreland family. Like many other younger sons, he thought his fortunes stood a better chance of advancement in the New World than in the Old, so he applied for and obtained the office of surveyor of the Virginia Colony, to which he sailed in 1621. His career was prosperous; he acquired a considerable landed estate, became a member of the Council after the revocation of the charter, and was appointed by Charles I. "Secretary of State for the Kingdom of Virginia."

He also embarked in commercial enterprises. One or two trading expeditions of his to the Indians met with such success that he induced a firm of London merchants, Cloberry and Company, who were at that time making many adventures to the colonies, to engage him as their agent, or special partner, to carry on a trade for furs with the Indians to the north of Virginia.

To legalize this traffic he obtained, in 1631, from Sir William Alexander, Secretary of State for Scotland, a royal license to trade with New England and Nova Scotia, and "to make discoveries for the increase of trade in those parts;" and in the following year he procured from Governor Harvey a license to trade with the Dutch settlement at Manhattan.

A trading-post or station, more convenient than James City to the south, was now needed; and Claiborne, by a friendly agreement with the Susquehannough Indians, established such a station on an island in the Chesapeake Bay, to which he gave the name of Kent Island, instead of Winston's Island, as it had been called by the discoverer, Captain Smith. Here he erected necessary buildings, Cloberry and Company furnishing the capital. But he either neglected or failed to obtain any grant of land north of the Potomac.

By his arrangements with the London merchants, they were to send out men, both indented servants and hired freemen,[1] and wares suitable for trading with the Indians for beaver and for corn for support of the station, where none seems to have been grown; and the beaver bought was to be shipped to London and sold.

Disagreements soon arose: the merchants thought the shipments of peltries too small; while Claiborne complained that they did not send wares enough, nor of suitable quality for trade. At one time the London supplies were

[1] How many freemen were on the island we do not know; but they had a burgess at one time in the Virginia Assembly. Claiborne did not himself reside on the island, but at Kecoughtan in Virginia, being a member of the Council.

stopped for more than a year, and the station came very near starving, having nothing wherewith to buy corn from the Indians except some "great kettles" which they would not take. A fire broke out and melted their stock of beads into an unmerchantable lump. The company were so few and weak that they could not defend the post; so that for three or four years they were in constant dread of being cut off by the Indians. The massacre of the Dutch at Zwaanendal was a terrible warning to them; and at one time they were attacked, and several killed and wounded, so that they found it necessary to build a fort.

Things on the island were in this unsatisfactory condition when the Maryland colonists established themselves at St. Mary's. In due time notice was given to Claiborne that Kent Island was within the limits of the Maryland patent; and he rose in his place in the Virginia Council and asked what he should do in the matter. The news of the Privy Council's decision could not then have reached Virginia, for they answered that they saw no reason why they should render up the Isle of Kent more than any other place formerly in their patent; that Baltimore's grant was yet undetermined in England; but that they would "keep a good correspondency" with the Marylanders.

This good correspondency was not to last long. The Marylanders suddenly perceived a change in the Indians, who held aloof from them, ceased to bring them provisions, and behaved in all ways so suspiciously, that the settlers built a fort or block-house for their defence, at the same time trying to find out through their interpreter, Henry Fleete, what the matter was. Fleete reported that Claiborne had told the Indians that the new-comers at Yaocomico were not English, but "Waspaines," or Spaniards, enemies of the English. Little scrupulous as Claiborne was, one hesitates to believe that he could have plotted to give up his countrymen to an Indian massacre; and in justice it must be recorded that the Indians, when questioned in his presence, denied the charge, and said that it was a lie of Fleete's. The matter was, of course, reported to Baltimore, who sent out word that if Claiborne still refused to acknowledge his jurisdiction, and continued his hostilities, he was to be held as a prisoner, and possession taken of the island until further instructions. The King at the same time wrote to Governor Harvey, ordering him to protect the Marylanders from the Indians, to allow free trade with Virginia, and assist them in all ways. He had, some time before, commanded Baltimore not to molest Claiborne

and his people on Kent Island; but the Commissioners for Plantations explain this action by the fact that the King was erroneously informed that the island was not within the Maryland patent.

Harvey was willing enough to befriend the Marylanders, but the power to do so was fast failing him. A strong party, or faction as he calls it, had been formed with the Puritan Mathews as its head, and Claiborne as one of its leading spirits, who thwarted his purposes, defied his authority, and were bent on driving him from Virginia. This Maryland business played into their hands. So bitter were the feelings aroused, that when Harvey spoke of selling provisions to Calvert's colony, the Virginians vowed that they would rather knock their cattle on the head than sell them to Maryland.

Matters soon came to a crisis. A pinnace belonging to the Kent Island station was captured by the Marylanders for trading in Maryland waters without a license. In reprisal, Claiborne armed a shallop, the Cockatrice, and manned it with about thirty men under the command of Lieutenant Ratcliffe Warren, whom he commissioned to seize any vessels belonging to the government at St. Mary's. Calvert, learning this, sent out two pinnaces, the St. Helen

and St. Margaret, duly armed and equipped, under the command of Captain Thomas Cornwaleys. The two expeditions met, on April 23, 1635, in the Pocomoke River. Warren's party fired upon the Marylanders, killing one man and wounding several. Cornwaleys returned the fire with such effect that Warren and two others were killed, and the Cockatrice surrendered.

On the 10th of May there was another conflict in the harbor of Great Wighcocomoco (or Pocomoke), in which Thomas Smith commanded a vessel of Claiborne's, and there seems to have been bloodshed there.

These proceedings in Maryland naturally created much excitement in Virginia, and brought matters in the Council to an explosion. A stormy scene ensued, the upshot of which was that Harvey had to sail for England. The Council, however, not venturing to disobey the express commands of the King, sent commissioners to Maryland to restore at least a temporary peace, and Baltimore's authority seems to have been acquiesced in, if not acknowledged.

The incessant and frivolous attacks upon the charter also drew from the King a more emphatic confirmation, who in 1637 ordered the Commissioners of Plantations and all his other officers to let no grant or commission pass which should encroach on Baltimore's rights; and in

addition pledged his royal word not to allow any *quo warranto* or other proceeding which might infringe or overthrow the Maryland patent in respect of any clause or matter contained therein. Thus the grantor having explained his own grant, one might have supposed that all quibbling about *hactenus inculta* was put an end to.

The colonists had no sooner settled themselves pretty comfortably in their cabins than, with the instinct of their race, they set about making laws to live under. It is interesting to see this young plantation in the forests of the New World reviving the ancient customs of their Teutonic ancestors in the Old. The Assembly was a true *folc-gemôt;* the Lieutenant-General, who represented the supreme authority, who convoked assemblies and headed expeditions, held the place of the *ealdormann; eorl* and *thegn* were not, nor ever should be; but *ceorl* and *esne* were represented by the freeman and the servant. The freeman was either the landholder or the free craftsman: in the first Assembly whose records have been preserved, we find "Francis Gray, carpenter," "John Halfe-head, brick-mason," and "Roger Oliver, mariner," taking seats beside the planters. The unfree class was composed of indented servants, who became freemen of the Province when

their times of service had expired. The real servile class, or *théowas*, incapable of citizenship, was represented later by a few Indian servants, either prisoners of war or convicts, and by negroes, who were always slaves for life.

The first Assembly met at St. Mary's, on February 26, 1634–35, under the presidency of Leonard Calvert, and was composed, apparently, of all the freemen in the colony. They drew up a body of laws which, with the record of their proceedings, has unfortunately perished,[1] and sent it off to the Proprietary for his assent. This was refused, doubtless for the reason that the charter gave the Proprietary the power of making laws with the assent of the freemen, and not the freemen with the assent of the Proprietary, so for the two years following the Province remained under the common law of England.

Baltimore now sent out instructions to his brother how, and on what conditions, lands were to be allotted to settlers. Any colonist of the first immigration, who had brought over five men, received two thousand acres of land, subject to an annual quit-rent of 400 lbs. of wheat; one who came between 1634–35, bringing over ten men, had the same allotment of land at a

[1] We only know that one of their laws provided that murders and felonies should be punished as in England.

rent of 600 lbs., and proportionately for those who came later, or brought fewer men; the highest rate being 20*s.* per thousand acres. Plantations of a thousand acres or more were erected into manors, carrying the right of holding courts-baron and courts-leet.

While the charter gave the Proprietary the power of conferring dignities, and consequently of creating a provincial peerage or aristocracy, perhaps from prudential motives he refrained from exercising it. At the same time the conditions of plantation provided for a class of great landholders with judicial and other rights, and at first there was some disposition to make these a privileged class. In the session of 1637–39 a bill was introduced providing that lords of manors could only be tried by a jury of their own class, if so many could be obtained, and the lord of a manor, if condemned to death, was to be executed by beheading instead of hanging; but this bill never passed to a third reading.

In the mean time, Claiborne's affairs had passed into a new phase. The London merchants, Cloberry and Company, apparently thoroughly dissatisfied with his management, sent out George Evelin as their attorney, with full powers to take the station and all the property of the concern into his hands. Claiborne made

no opposition, merely asking Evelin to bind himself not to hand over the island to the Marylanders; but Evelin refused to make any stipulation, and Claiborne surrendered everything to him and sailed for England, where he was sued by Cloberry and Company, and a trial followed, with which this narrative is not concerned.[1] Evelin then went to Virginia, and on the strength of his powers of attorney attached all the goods of Claiborne at James City and at Kecoughtan, his residence, in the name of his principals, Governor Harvey, we may be sure, making no objection. The London merchants admitted Baltimore's jurisdiction over the island, and sued out warrants in his courts against various debtors there.

By this time Claiborne seems to have grown thoroughly disgusted and disheartened at the turn his Maryland affairs had taken. Recognizing the legal strength of Baltimore's position, and seeing that it was better to hold land under the charter of Maryland than in charterless Virginia, he might perhaps have acknowledged the Proprietary's territorial rights; but his London principals had displaced him from his position and seized the property on the isl-

[1] He was also held to answer before the Commissioners of Plantations on a charge of mutiny preferred by Governor Harvey.

and, and there was nothing for him to do but to go elsewhere. But he still cherished his schemes of trade, and in this year we find him purchasing from the Indians Palmer's Island (now Watson's Island), at the head of the bay, erroneously thinking it to be outside the limits of the Maryland patent.

He also petitioned the King that Baltimore might be restrained from interfering with his trade, and further, that the crown would grant him a tract of land extending in breadth for twelve leagues on each side the Susquehannah River, and in length, "from the mouth of said river down the said bay southerly to the seaward, and so to the head of the said river and to the Grand Lake of Canada," to be held of the crown at a rent of £50 per annum. This preposterous demand, which would have not only given him about three fourths of Maryland, and the whole of the Chesapeake Bay, but would, if Indian tomahawks had permitted, have cut the crown's possessions in two by a cordon of trading-posts eight hundred miles long, was referred by the King to the Commissioners for Plantations, who seem not to have thought it worth an answer. As Claiborne admitted that Kent Island was within the Maryland patent, and as, upon examination, his so-called commission proved to be only a

license, under the Scotch signet, to trade with the Indians, giving him no title to land, nor even to make a settlement, the Commissioners once more referred him to the ordinary course of justice in respect of the wrongs complained of.

Down to this time Evelin had heard only the Virginian side of the story; but now he visited St. Mary's, and was there shown the Maryland patent and the text of Claiborne's licenses. This opened his eyes, and he readily acknowledged Baltimore's territorial rights. As the station was already under his control as agent for the London merchants, he was appointed "commander" of the island, an office somewhat resembling that of the lieutenant of a county, and exercised in outlying settlements when much independence of action was necessary. Returning in this capacity to Kent, he called a meeting of the freemen, caused his commission and the charter of Maryland to be read, explained the question of the title and that they were under the jurisdiction of Maryland, and endeavored to reconcile them to the new order of things by pointing out the advantages, of trade and other, that the Marylanders enjoyed over the Virginians.

No objection was made, but the island continued in a disorderly state. The service of

Cloberry and Company's processes was resisted by violence, and Evelin urged the Maryland authorities to send a force, reduce it formally, and restore order, which was done by an expedition in February, 1637–38, under command of Governor Calvert. No resistance seems to have been offered, and in a few days Calvert returned, bringing with him, as a prisoner, Thomas Smith, leader in the affray at Great Wighcocomoco. In the same expedition Palmer's Island, on which Claiborne had placed a few men, was also reduced, and a fort, called Fort Conquest, erected. Claiborne now resolved to shake the dust of Maryland from his feet, and in the following summer he obtained a grant of Rich Island in the Bahamas, within the Providence Company's patent.

The second Assembly of the Province met on January 25, 1637–38, and of this the record is still extant. It consisted of all the freemen of the colony, either present in person or represented by their proxies, and was presided over by the Governor, with whom were joined councillors appointed by the Proprietary. The freemen were summoned by writ, and when assembled, proclamation was made that any who had been omitted in the writs should present themselves and claim their seats. Some who had given proxies came forward during the session,

revoked their proxies, and took their seats in person. A curious question of privilege arose: whether those members who had given proxies were exempt from arrest for debt, and it was decided that no man who had a right to a seat in the Assembly might be so arrested until after the Assembly was dissolved.

A draft of laws sent out by the Proprietary was read and rejected by a large majority. Here was a deadlock; if the Proprietary would agree to no laws of their making, and they to none of his making, how was the colony to be governed? By the laws of England, it was suggested. But the Governor's commission did not empower him to deal with offences punishable by death or mutilation, under any laws save those of the Province. The answer to this objection brings clearly before us the smallness and isolation of the colony, which felt itself like a frontier garrison or a ship at sea. It was answered, "that such enormous offences could hardly be committed without mutiny, and then they might be punished by martial law."

And at this moment there was a prisoner in their hands awaiting trial on a charge of piracy and murder, and there was no grand jury to indict him, no court to try him, and no law to try him under. The knot was cut in the sim-

plest possible way. The sheriff impanelled the whole Assembly as a grand inquest, and they brought in an indictment; the Assembly then resolved itself into a high court of justice, with Secretary Lewger as Attorney-General, gave the prisoner liberty of challenge, heard the evidence on both sides, and found him guilty; but whether under the law of England, or a law passed at the previous session, does not clearly appear. Smith demanded his clergy, but it was disallowed, and the Governor, as president of the court, pronounced sentence of death. A bill, confirming the sentence, was read thrice and passed, and the prisoner was executed. The House then resolved itself into a coroner's jury, and inquired into the deaths of the persons killed in the Pocomoke affair.

The purely legislative proceedings of this Assembly deserve notice. It tends to confirm the idea that men of our race have an instinct of organic self-government, as bees and ants have the instinct of organised labor, when we find these men, most of whom could have had no legislative or administrative experience, and several of whom had been indented servants but a year or two before, not only solving the difficulties before them in a way at once legal and perfectly effective, but shaping their whole organisation and action in conformity with a

clear ideal of what such a body should be and do. They provided, as we have seen, for privilege of parliament, and for the time-honored three readings; they enacted a body of laws, forty-two in number, providing for allegiance to the King, liberties of the people, and a civil list for the Proprietary; for causes civil and criminal, for the settlement, allotment, alienation, and descent of land; for ports, a town, and a fort; for matters testamentary, future assemblies, and the organisation of the militia. They attainted Claiborne (then in England) and declared his possessions in the Province forfeit, for sending out Warren's expedition, and so closed this remarkable session.

The Proprietary saw that his colonists were men who might be trusted to manage their own affairs; and with that far-sighted wisdom which characterised him, sent over to his brother full authority to assent in his name to laws made by the freemen, reserving to himself only the veto power; while, to avoid the inconvenience and danger of leaving the Province without laws, they were to be operative until his final assent or dissent was received. Thus was the principle of free self-government firmly and peaceably established in Maryland, four years from the settlement of the colony.

Nor had Calvert planted English institutions

in Maryland simply as he found them. He went back to a better time for freedom of action, and looked forward to a better time for freedom of thought. While as yet there was no spot in Christendom where religious belief was free, and when even the Commons of England had openly declared against toleration, he founded a community wherein no man was to be molested for his faith. At a time when absolutism had struck down representative government in England, and it was doubtful if a Parliament of freemen would ever meet again, he founded a community in which no laws were to be made without the consent of the freemen. The Ark and the Dove were names of happy omen: the one saved from the general wreck the germs of political liberty, and the other bore the olive-branch of religious peace.

At the next session the government was remodelled. Writs of election superseded writs of summons: in place of the cumbrous and inconvenient popular assembly, burgesses were to be chosen from every hundred, and these burgesses, with the Governor and Council, constituted the House of Assembly, which was to meet triennially, unless specially summoned.

Two anomalies, however, still remained: the Proprietary had the right of summoning members by special writ, who sat and voted with

the burgesses, and thus had it in his power to swamp the popular vote whenever he saw fit; but it does not appear that the attempt was ever made. The second anomaly was an incompatible relic of the older system. Those freemen who had not voted for the burgesses elected were allowed to appear in person and claim their seats; and this was done at this very Assembly. Two burgesses were chosen for St. Mary's hundred; but two freemen presented themselves before the Assembly, and claimed and were allowed seats on the ground that they had not voted for the burgesses, and were therefore not represented. By this extraordinary application of the principle of minority representation, the votes of this minority of two would have counterbalanced those of the whole body of electors, and had they been three would have outnumbered them. It is probable that the irrationality of the thing was at once seen, as the two do not appear in the records as voting on any question.

The Assembly, thus constituted, set out at once to build up from the foundations a system of government for the Province. Four acts were passed, having somewhat the character of a Bill of Rights, securing all rights and liberties to "Holy Church," allegiance to the King, the liberties of Englishmen to the people, and his

territorial rights to the Proprietary. This done, they established courts for the trial of causes civil and criminal, provided justices of the peace and other officers, enacted a code of laws, regulated commerce and agriculture, and made provision for the meeting and inspection of the militia. These acts, however, for some unexplained reason, did not pass to a third reading, and it was not until the next session that the colony was equipped with all the machinery of a representative popular government.

CHAPTER IV.

DURING all this time the population of Maryland was steadily growing. Colonists came, bringing out at their own expense twenty-five, ten, five settlers, and taking up manors and plantations; while others brought themselves only, and received homesteads. Pamphlets, published in England, set forth the attractions of the colony, and gave advice to intending settlers. The old planters wrote home for more men, and on their arrival took up more land. At the same time the danger of the accumulation of vast unused tracts in single hands was met by a law providing that lands long unsettled and uncultivated should revert to the Proprietary. When the population of a district had sufficiently increased, it was made a hundred. In January, 1637–38, St. George's hundred, on the west bank of that river, was erected and placed under the command of a high constable. By the returns of the writs in the next election, it seems to have had about twenty-two electors.

The settlers brought out under the general title of "servants" paid for their passage by

short terms of service, sometimes of three years, but usually five. Of these most were farmers; others were craftsmen, masons, bricklayers, carpenters, leather-dressers, and so forth, not a few of them being younger sons of good families. Cornwaleys, in a memorial to the Assembly, speaks of the number he has brought over, "some of whom were of good rank and quality." These all, when their terms expired, became freemen, took up land, and were eligible as burgesses. In the Assembly of 1637–38 we find several of those who were brought out as "servants" in the first immigration taking their seats as "planters."

Many craftsmen came out at their own expense and received allotments of land larger than those granted to simple working-men. For instance, Richard Purlivant, barber-chirurgeon, receives one hundred acres for having transported himself at his own charge into the Province, and two hundred more for "having practised his art to the benefit of the inhabitants of our Isle of Kent." From all the evidence it is plain that for a long time the settlers were of the kinds most desirable for a young colony, being partly men of substance who came with wives and children; and partly industrious, able young men who came to work, to gain homesteads, and to raise families. No religious nor

political tests were required, beyond allegiance to the King, fidelity to the Proprietary, and obedience to the law.

The state of things which resulted again takes us back to the old Teutonic idea of a community, as distinguished from that of the south of Europe. The mild and healthy climate, the fertile soil, the abundance of water and of game, all tended to make a country life especially attractive. The wealthy planter lived on his plantation all the year. Again, the numbers of navigable streams, creeks, and inlets hindered the growth of towns. Vessels loading tobacco, the staple growth of the colony, went from plantation to plantation, taking each planter's crop from his own landing. Thus each plantation tended to become a small self-supporting community, producing within itself nearly all that it needed, and supplying what was lacking by its own trade. These conditions of life powerfully aided in bringing about that patriarchal state of society, and that strong feeling of family ties, so characteristic of Maryland and of tidewater Virginia.

Peace and order now seemed assured. Claiborne had ceased to trouble. The Kent islanders were apparently reconciled to the new government, for we find them coming forward in 1640, taking the oath of fidelity, and having

their grants from Claiborne regranted by the Proprietary. All the conditions of prosperity seem to have met, had the Province been unmolested from without.

With the southern Indians about Patuxent and Pascataway, the relations of the colonists were of the most friendly kind. The Jesuit missionaries, with their usual zeal, had scattered themselves among these Indians, who received them kindly and readily embraced the Christian faith. In 1640 the Tayac, or emperor, of Pascataway, who seems to have held sovereignty over several tribes, was baptized and married according to the Christian rite. This was an event of political as well as religious importance, as it secured for the colony the friendship of a powerful chief and of the nearest tribes; and it was recognised as such by Governor Calvert, who, with Secretary Lewger and other leading men of the Province, paid a formal visit to the Tayac to be present at the ceremony, which is thus described in the missionaries' report for 1640:—

"On the 5th of July, 1640, when he [the Tayac] was sufficiently instructed in the mysteries of the faith, in a solemn manner he received the sacramental waters in a little chapel, which, for that purpose, and for divine worship, he had erected of bark, after the manner of

the Indians. At the same time the Queen, with an infant at the breast, and others of the principal men whom he especially admitted to his counsels, together with his little son, were regenerated in the baptismal font. To the emperor, who was called Chitomachen before, was given the name of Charles; to his wife, that of Mary. . . . The Governor was present at the ceremony, together with the Secretary and many others; nor was anything wanting in display which our means could supply. In the afternoon the King and Queen were united in matrimony in the Christian manner; then a great cross was erected, in carrying which to its destined place the King, Governor, Secretary, and others, lent their shoulders and hands."

The forest prince also brought his little daughter, seven years old, to be educated at St. Mary's, and other chiefs expressed a desire for the teachings of the missionaries. Nor did these faithful and devoted men confine their services to religious instruction; they taught the Indians simple arts; they gave medical treatment to their sick, and shared their corn with them in time of famine. They went from place to place in a boat, — these tribes being fishing Indians, and living on the creeks and inlets, — and if, towards evening, they reached an Indian village or hut they were joyfully re-

ceived; if not, they made fast the boat, the priest gathered wood and built a fire, while the others sought for game of some kind for the evening meal, after which they slept by their camp-fire in perfect security.

Wrongs and outrages upon the friendly Indians were summarily punished. In 1643, one Dandy, a blacksmith, who had shot an Indian boy, was promptly tried and condemned to death. But a blacksmith was too valuable a member of the community to be lightly parted with, and, in deference to a strong petition, Dandy's sentence was commuted to penal servitude, with the addition that he was to be "executioner of corporal corrections;" that is, public flogger and hangman. It would have been economy to hang him at once, for it had to be done a few years later.

But the fierce Susquehannoughs on the north, and the Nanticokes in the east, were not so friendly. From time to time they attacked the southern tribes, and even some outlying plantations of the English; and, in 1642, they were more troublesome than ever, murdered several settlers and burned their houses, and seemed to be plotting more serious mischief. Calvert at once, though the burgesses seemed faint-hearted in the matter, began to take measures for defence. Signals were agreed upon by

which news of an attack could be passed swiftly from plantation to plantation; officers were appointed to command the militia; the most defensible house in each hundred was designated as the spot to which the women and children were to be conveyed, in case of an alarm; and the Governor wrote to Governor Berkeley of Virginia, proposing a joint expedition into the Indian country. It was probably on account of the preparations for this expedition that, at the session of the Assembly, in August, the freemen were summoned to attend in person, instead of electing representatives. The Virginia Council refused to coöperate, and the expedition seems to have been dropped.

The loss of the records leaves us much in the dark as to the events of these years, but it was evidently an anxious and threatening time for the colony. We catch glimpses of various outrages and murders, and of at least one serious disaster to the English. One thing is evident, that the savages, from some cause or other, were in a threatening and dangerous mood, and were suspected of intriguing with the Pascataways and other friendly tribes to combine in a general attack.

Matters of the gravest character, involving no less than the fundamental constitution of the Province, now pressed themselves upon the

Proprietary for a solution. Various Indian chiefs, in their gratitude to the missionaries, had bestowed upon them considerable tracts of land, which of course became the property of the Jesuit order. The priests, moreover, dwelling in the wilderness, freed from the statute law, and no longer under the shadow of *praemunire*, were disposed to claim the immunities and exemptions of the bull *In Coena Domini*, and to hold themselves free of the common law, and answerable to the canon law only, and to ecclesiastical tribunals. Baltimore was a Romanist in faith, but he was an Englishman, with all the instincts of his race. He at once planted himself on the ground that all his colonists, cleric or lay, were under the common law, and that there should be no land held in mortmain in the Province.

Foreseeing that this was likely to bring him into conflict with the Jesuit order, he promptly took a decisive step. He applied to Rome to have the Jesuits removed from the missions, and a prefect and secular priests appointed in their stead; and an order to this effect was issued by the Propaganda.

In 1641 he issued new Conditions of Plantations, containing six sections, four of which are upon the record. The fifth and sixth[1] provide

[1] Stonyhurst MSS. *Anglia*, IV. Cited in Johnson's *Foun-*

that no lands shall be granted to, or held by, any corporation or society, ecclesiastical or temporal, without special license from the Proprietary. The code had already reserved to the civil power all authority in matters testamentary, and placed all the colonists under the common law.

The Proprietary's prompt and decisive action seems to have taken the Jesuit fathers by surprise. A conference was held between them, the Governor, and Secretary Lewger, and the points raised, involving the whole attitude of the Roman Church in Maryland toward the Proprietary government, were submitted to the Provincial of England. At the same time a memorial was sent to the Propaganda, protesting against the hardship of removing those who had borne all the burden and heat of the day, just as they were beginning to reap some fruit of their labors. The Provincial, Father More, decided that the Conditions of Plantation were not in conflict with the bull *In Coena*, and executed a release of all the lands acquired by the society from the Indians. The order for their removal was then rescinded, Baltimore having carried his point. The whole matter was thus settled; lands henceforth could not

dation of Maryland, Md. Hist. Soc. Pub., No. 18, where the subject is discussed at length.

be held in mortmain, and all, cleric and lay, were henceforth to be under the common law.

This settlement has left permanent imprints on Maryland legislation. In her alone, of all the States, no lands can be sold, given, or devised to a religious body, or for a religious use, without consent of the legislature; no priest, clergyman, or preacher of the gospel can sit in the Assembly, nor has any sat from the foundation of the colony.[1]

In England, civil war between the King and Parliament had broken out in 1642, and its disturbing effects were soon felt across the Atlantic. Baltimore was bound to the King by ties of gratitude as well as fidelity, but we have no evidence that he favored those measures which were most distasteful to the people, or that he approved a policy so unlike his own; and, so far as we can see, he took no prominent part in public matters.

Though Maryland, exempt at once from the legislation of Parliament and the demands of the King, had no immediate interest in England's great quarrel, yet, as was natural, each side had its sympathizers in the Province, and, as was still more natural, since Baltimore was known to be a royalist, all disaffections against

[1] The solitary apparent exception to this was in the case of the apostate Coode, who had renounced his clerical office.

his government were ready to take the side of Parliament, and all partisans of Parliament inclined toward the disaffected. Circumstances were not wanting to kindle antagonisms; and, as has ever been the case in Maryland history, internal traitors were quick to seek help from external foes, though at cost of the ruin of the community.

In April, 1643, Governor Calvert sailed for England, to confer with his brother about the state of affairs in the Province, and probably to see with his own eyes how matters were going in the mother-country, leaving Giles Brent, as deputy, in his stead. Brent appointed that stout soldier, Thomas Cornwaleys, captain-general of the forces in the Province, and he concluded a peace with the Nanticokes, and led an expedition against the Susquehannoughs.

In the following January, things being still in this uneasy state, it chanced that one Richard Ingle, commander of the merchant ship Reformation, was taking in cargo at St. Mary's, and information was laid before the authorities of certain treasonable speeches of his: that the King was no king, that if he had Prince Rupert on board he would flog him at the capstan, emphasized with flourishes of his cutlass, and threats of cutting off the heads of gainsayers. He was arrested to answer a charge of high

treason, and a guard put on board his ship. But hardly had this been done, when Cornwaleys, Councilor Neale, and one or two others, caused the sheriff to take his prisoner on board his ship, contrary to express orders, and made the guard lay down their arms, whereupon Ingle, taking command, sailed away, without his clearance, and without paying his debts. For this affair Cornwaleys was impeached and fined, and Neale was dismissed from the Council, but soon after reinstated.

The next we hear of Ingle, he and his ship are back in St. George's River, and there are other warrants out against him for assaults. He promises to deposit a barrel of powder and four hundred pounds of shot, as security that he will appear to answer all charges the next February, and again slips off, not only without leaving the powder and shot, but without paying his port-dues or getting his clearance, and taking with him, as a passenger, his friend Cornwaleys.

There is something by no means clear about these proceedings. It is plain that Ingle could not be suffered to go vaporing about, making his bear-garden flourish, and talking blatant treason, unchecked. Yet in the critical position in which the Province then was, with enemies, both savage and civilized, bestirring

themselves without, and an unknown amount of disaffection at home, the trial and punishment of Ingle might have kindled civil war. It is quite likely that the public stock of ammunition was low, and to get a good supply of powder and shot, and be rid of Ingle, both at once, may have seemed to the Governor and Council a good stroke of policy, though in this they were out-manœuvred.

In September, 1644, Governor Calvert came back, and found the Province full of disquiet. Claiborne was making secret visits to Kent Island, and trying to form a party there. He had received increase of honors, and presumably of emolument, from the King, being made treasurer of Virginia for life; but the battle of Marston Moor was an argument that carried more weight. But the islanders were a simple and rather peaceful folk; and now that their holdings had been confirmed to them, they could no longer be aroused by the cry that they were to be turned out of their lands. They were, moreover, inconveniently loyal to the King; so Claiborne, fertile in resource, had to try another expedient. He assured them that he was acting by order of the King, and, producing a parchment, averred that it was the King's commission to him, William Claiborne.

While these things were going on at the

north, Ingle came back with an armed ship, apparently with some sort of authority from Parliament, and certainly with two hundred pounds' worth of goods entrusted to him by his friend Cornwaleys, with which he had run away. He said that he had letters of marque, and it is not at all unlikely. So, fifty years later, had Captain Kidd, a gentleman who held views as to the rights of property very similar to Ingle's. He landed at St. Mary's. The loss of the records prevents our seeing distinctly what was done; nor can it be positively said that there was a plot between the two; but, at all events, Ingle with his letters from Parliament, and Claiborne with his "king's commission," were drawn together by an affinity that was stronger than either. The invasion was completely successful; St. Mary's was seized, and Governor Calvert went over to Virginia for help. For two years the Province remained in the hands of the insurgents. We catch glimpses of Ingle and his men marauding about, imprisoning men, pillaging plantations, seizing corn, tobacco, and cattle, stripping mills of their machinery, and even houses of their locks and hinges, shipping their plunder to England, and comporting themselves generally like mere brigands; but of any attempts at government, on their part, we find no trace.

Among the rest, the house and plantations of Cornwaleys were plundered. On Ingle's return to England, anticipating that Cornwaleys would hold him to account, he laid charges against his former friend and rescuer as being an enemy to government, and had him arrested on false charges of debt, amounting to fifteen thousand pounds sterling. But Cornwaleys' friends took him out of prison, and he prosecuted Ingle for his robberies. Ingle, apparently as a last resource, sent in a petition to Parliament, which is a curiosity. He avers that all he did was for conscience' sake; that he only plundered "papists and malignants," for the sake of relieving the distressed Protestants, and points out how discouraging it will be to the well-affected if papists and malignants are allowed to bring actions at law against them.

In these garboils the missionary stations were broken up, and the venerable Father White was sent in irons to England, where he was tried on a charge of treason, but acquitted. On account of his age and infirmity he was not permitted by his superiors to return to Maryland, and died in England in 1656.[1]

In March, 1645, Hill, a Virginian, was elected governor by the remnant of the Council, though

[1] *Rec. of Eng. Prov.* series VII.

they had no power to elect any one not a resident of the Province, and he appears to have exercised some show of irregular authority, but to what extent we cannot see.

The Proprietary, on learning these things, seems to have considered his Province lost, and sent out instructions to his brother to secure whatever of his private property could be saved from the general ruin. Leonard, however, saw that matters were by no means desperate. The proceedings of Ingle and Claiborne were not likely to strengthen their hold on Maryland, and Virginia, with that staunch royalist, Sir William Berkeley, at its head, was still faithful to the King.

Towards the end of 1646, Governor Calvert, seeing his time, raised a small force of Virginians and fugitive Marylanders, pledging his own and his brother's estates to pay them, and with these he entered St. Mary's unresisted, and the whole Western Shore at once acknowledged his authority. Kent Island held out for a while, but soon submitted, and a general pardon was proclaimed to all who would take the oath of fidelity, Ingle and his associate Durford alone being excepted.

The Province was now at peace; but Leonard Calvert did not long live to enjoy the fruits of his labors. He died on the 9th of June,

1647, having appointed Thomas Greene his successor, and leaving his kinswoman, Mistress Margaret Brent, his executrix, with the brief instructions, "Take all and pay all." After thirteen years of faithful service in the highest office in the Province, this wise, just, and humane Governor left a personal estate amounting to only one hundred and ten pounds sterling.

In view of subsequent occurrences one is tempted to think that if he had reversed his testamentary dispositions and made Greene his executor and Mistress Brent governor, it would have been, on the whole, a better arrangement.

This Mistress Margaret Brent deserves to be remembered as the only woman whose figure stands out clear in our colonial history. She had come to the Province in 1638 with her sister Mary, bringing over nine colonists, five men and four women. They took up manors, imported more settlers, and managed their affairs with masculine ability. One of the two courts-baron, of which the records have been discovered, was held on St. Gabriel's Manor, the estate of Mary Brent.

On the strength of her appointment as executrix ("administrator" the record calls her), Margaret Brent claimed and was allowed the right of acting as the Proprietary's attorney, a right which she exercised with energy. On

January 21, 1647–48, "came Mrs. Margarett Brent and requested to have vote in the howse for her selfe and voyce allso, for that att the last Court 3d Jan. it was ordered that the said Mrs. Brent was to be lookd uppon and received as his Lps. Attorney. The Govr. denyed that the sd. Mrs. Brent should have any vote in the howse. And the sd. Mrs. Brent protested against all proceedings in this present Assembly unlesse shee may be present and have vote as aforesd."

Once we find her acting with decision at a critical time. Governor Calvert, in securing the services of the soldiers by whose aid he had recovered the Province, had pledged, as was said, his own and his brother's estates for their pay. His death prevented his making good his pledge, and the soldiers were clamorous for their pay, and seemed ripe for mutiny, which, with the weak Greene at the head of affairs, would have been most disastrous. Mistress Brent saw the danger, and met it with promptness. She quieted down the soldiers, who, as the Assembly testify, treated her with a respect that they would have shown to none other, and she took from the Proprietary's cattle enough to pay their arrears. Baltimore was disposed to find fault with her conduct; but the Assembly, in a letter to him, tell him

plainly that but for his kinswoman's timely action all would have gone to ruin. One regrets that so few particulars of her life are left to us, and that we have no portrait of this stately old English gentlewoman.

In 1648, Baltimore, probably to remove a source of discontent in the Province, and, in part, to stop the mouths of his enemies who never wearied of representing Maryland as a stronghold of popery, in which Protestants were subject to persecution and oppression, removed Greene and appointed William Stone, a Protestant, governor, at the same time reconstructing the Council, so as to give the Protestants a majority. The governor's oath of office was so worded as to bind him not to molest or discountenance any person of any form of Christian faith, for, or in respect of, religion, an additional clause extending this protection more particularly to the Roman Catholics, as at that time they were most likely to be the objects of persecution.

The great seal of the Province having been lost or stolen during the rebellion, — being of silver it could hardly have escaped Ingle's clutches, — Baltimore sent out a new one. It bore the Calvert and Crossland arms, quartered,[1] surmounted with a Palatine's cap or

[1] The Calvert bearings are: Paly of six, or and sable, a

coronet, symbolizing the Proprietary's palatinate jurisdiction, and over all the Calvert crest. A ploughman and a fisherman were the supporters, and beneath was a scroll bearing the Calvert motto, *Fatti Maschij Parole Femine.*[1] Behind all was a mantle of Palatine purple, surrounded with the inscription, *Scuto Bonae Voluntatis Tuae Coronasti Nos.*

This beautiful historic device, perpetuating at once the nature of her foundation and the lineage of her founder, still remains the seal and symbol of Maryland.

In 1649 was passed the famous Act of Toleration, or, as it is entitled, "An Act concerning Religion." After forbidding, under penalty of death, blasphemy against any Person of the

bend dexter counterchanged; the Crossland, Quarterly, argent and gules, a cross flory (or botony) counterchanged. Crest, a ducal crown surmounted by two half bannerets.

[1] The popular rendering of this motto is: "Manly deeds, womanly words." This is certainly pretty, but its correctness may be questioned. *Femine* (*femmine*) is not an adjective, but a substantive, and the exact version is, "Deeds [are] males, words females." In fact it is an old proverb, which is cited and explained in the Dictionary of the Accademia della Crusca: "I fatti son maschi e le parole son femmine: *proverb.* e vale che 'Dove bisognano i fatti, le parole non bastano.'" It should be remembered, however, that mottoes were often so worded as to bear more than one interpretation.

The Latin inscription is from Psalm v. 12 (Vulgate). The Authorized Version renders it, "With favour wilt thou compass him as with a shield."

Holy Trinity, and making reproachful speeches against the Virgin Mary, Apostles, and Evangelists punishable by fine, it lays penalties upon all who shall call others by reviling names on account of religious differences, such as heretic, Puritan, Jesuit, papist, and the like; "and whereas the enforcing of the conscience in matters of religion hath frequently fallen out to be of dangerous consequence," "and the better to preserve mutual love and amity among the inhabitants of the Province," no person professing belief in Jesus Christ shall be "in any ways troubled, molested, or discountenanced for or in respect of his or her religion, nor in the free exercise thereof," under heavy penalties for all so offending. Profanation of the "Sabbath or Lord's day, called Sunday," by swearing, drunkenness, unnecessary work, or disorderly recreation is also forbidden.

In the wording of this act we see evident marks of a compromise between the differing sentiments in the Assembly. It is not such an act as a body of zealous Catholics or of zealous Protestants would have passed, nor, in all probability, did it come up to Baltimore's idea of toleration. But it was as good a compromise as could be made at the time, and an immense advance upon the principles and practice of the age. In reality, it simply formulated in a

statute what had been Baltimore's policy from the first. The charter neither enforced nor forbade toleration, but left the Proprietary's hands free. It provided, according to the usual phrase of charters, that the Christian religion should sustain no detriment; and it permitted him to have churches consecrated according to the ecclesiastical laws of England; but it neither compelled him to do this, nor forbade him to have them consecrated according to other rituals, if he were so minded.[1]

Baltimore was no indifferentist in matters of religion. That he was a sincere Catholic is shown by the fact that all the attacks upon his rights were aimed at his faith, as the most vulnerable point. That he was a papist, and Maryland a papist colony, a nursery of Jesuits and plotters against Protestantism, was the endless burden of his enemies' charges. He had only to declare himself a Protestant to be placed in an unassailable position; yet that step he never took, even when ruin seemed certain. But he was singularly free from bigotry, and he had had bitter knowledge of the fruits of religious dissension; and he meant from the first, so far as in him lay, to secure his colonists from them. His brother Leonard, and those who

[1] We have already seen that one of the first acts of the missionaries was to consecrate a Catholic chapel.

were associated with him in the government, shared his spirit, and from the foundation of the colony no man was molested under Baltimore's rule on account of religion. Whenever the Proprietary's power was overthrown, religious persecution began, and was checked so soon as he was reinstated.

Before Claiborne's rebellion we scarcely hear of religious differences: the records bear no trace of them. Two small exceptions that are recorded only confirm the fact. One Lewis, a Catholic, rebuked two servants for reading a Protestant book, and spoke offensively of Protestant ministers. He was tried before the Governor and two assessors, fined for offensive "speeches and unseasonable disputations on points of religion contrary to the public proclamation prohibiting all such disputes," and bound over to behave better in future. Thus in 1638, eleven years before the Act concerning Religion was passed, the principle of toleration was enforced and placed on record; and at a still earlier date, even contentions about religion had been authoritatively forbidden. The other case was in 1642, when a Mr. Gerrard, a member of the Assembly, and a zealous Catholic, took away certain books and a key from the chapel at St. Mary's, apparently on the ground of some claim to the property. The Protest-

ants, who seem to have used the chapel, petitioned against this proceeding, and Gerrard was fined, the fine to be appropriated "toward the maintenance of the first minister that should arrive;" by which it would seem that down to this time there was no Protestant clergyman in the Province.

CHAPTER V.

THE execution of Charles was a death-blow to the hopes of the royalists. That Baltimore was a king's friend, there is no doubt; but from the first he had taken no part in English politics, and it may be that he foresaw the downfall of the royalist cause long before it came. One singular, and perhaps apocryphal incident, slightly connecting him with that great tragedy, has been preserved. Shortly before the execution of the King, the "Close Committee" of Parliament held a secret meeting, at which Baltimore and two or three other Catholics were present, and sent a message to Charles in prison that if he would recede from his firm stand, and own himself to have been in some measure in the wrong, they would save his life, and, if possible, his crown. The association of Baltimore and other moderate royalists (of course not members of Parliament) with themselves was probably meant as a guaranty of their sincerity; but the attempt was fruitless.[1] Baltimore's attitude toward the Parlia-

[1] *Surtees Soc. Pubns.* lxii. 347.

ment was wisely taken. That body certainly represented for the time the will of the majority, and we cannot say that it may not, in some respects, have had his sympathy. Be this as it may, to assume an attitude of defiance toward it would not only have been insensate quixotism, but would probably have kindled civil war in the Province. He acquiesced in the new order of things. Stone was not only a Protestant, but known to be a friend of Parliament. The oath of allegiance was no longer demanded, and every show of opposition avoided. The leaders in England appear to have had no ill-will toward him, and for a while it seemed that the storm would leave Maryland untouched.

Charles II., in 1650, being then a fugitive in the island of Jersey, was pleased to consider Baltimore a rebel, and granted the government of Maryland to Sir William Davenant, the poet. Davenant, it is said, actually set sail for the Province, but was seized in the British Channel by a Parliament cruiser, and his plans and ambitions brought to an untimely end.

In 1650 the Assembly was organized in two Houses, the Governor, Secretary, and one or more of the Council forming the Upper House, and the Burgesses the Lower; and the assent of both Houses was necessary to the passage of any bill. The members of the Upper House,

being appointees of the Proprietary, might be trusted to guard his rights and interests, and, being men of experience and substance, might be expected to check over-hasty legislation; while the Burgesses gave expression to the popular will. Though this severance of the Houses gave greater freedom to the Burgesses, the Proprietary not only confirmed it, but forbade that it should be changed.

The temper of the Assembly seemed good; a dispute that had arisen the previous session on the old question of originating laws had been settled; an Act of Oblivion for those concerned in the late rebellion was passed; and an Act fully recognizing the Proprietary's rights and the benefits the colony enjoyed under his rule, was placed on record by the Burgesses "as a memorial to all posterity of their thankfulness, fidelity, and obedience." Compliance with Claiborne was prohibited. In all these acts the burgesses from Providence concurred; and that settlement was erected into the county of Ann Arundel, so named from the Proprietary's wife.

Now this settlement at Providence was a Puritan settlement, and its origin was this: In 1643 the Virginia Assembly passed a law that all Nonconformists should be expelled the colony; and in the following years many of

them asked and obtained leave to settle in Maryland. Freedom of conscience was assured them, and nothing demanded of them but obedience to the laws, fidelity to the Proprietary, and the usual quit-rents; conditions which they gladly accepted. They settled in groups, appointed their own officers, managed their affairs, religious and secular, in their own way, sent burgesses to the Assembly, and seemed for a while content. Their largest settlement was on the Severn, and to this they gave the name of Providence, in acknowledgment of the Hand that had guided them to a haven of safety and rest.

In November, 1650, Governor Stone being in Virginia, Greene, his temporary deputy, committed the strange folly of proclaiming Charles II. as heir to his father's dominions. Stone quickly returned and displaced Greene, and no harm seemed to have been done; but the act was treasured in tenacious memories.

Virginia, however, had declared by the voice of her Assembly that Charles II. was King, and had denounced the penalty of death against all who questioned his right. This act of defiance could not be overlooked by Parliament, which, in 1650, decided to send a fleet to reduce that plantation and Barbadoes to submission. Maryland was threatened at the same time, Ingle,

now in England, being a leading spirit in the attack; but Baltimore went before the committee and produced such evidence that there was no revolt in Maryland against the authority of the Commonwealth, that his charter was confirmed, and the name of that Province was stricken out of the instructions. He had vigilant enemies, however, and by some underhand means, not "Maryland," but "the plantations within the Chesapeake Bay" was inserted in the commission, dated September 26, 1651. We have not far to seek for the inspiration of this device, when we find Captain William Claiborne named as one of the commissioners, and with him Richard Bennett, one of the persecuted Puritans who had sought and found an asylum in Maryland, and taken an obligation of fidelity to the Proprietary. Two years before they had sent a declaration to Parliament that Maryland was nothing but a nursery of Jesuits, and that the "poor Protestants" were everywhere "suppressed." To this Baltimore answered by showing that the Nonconformists, when driven from Virginia, had found a safe refuge in Maryland.

Virginia being reduced to submission, the Commissioners, after appointing Bennett Governor and Claiborne Secretary of State, turned their attention to Maryland. They began by

displacing Stone, but presently reinstated him to govern with a council of their own selection. For the future the inhabitants were to take the engagement to Parliament, and all legal processes were to run in the name of the Keepers of the Liberties of England, thus effacing the Proprietary's rights. Baltimore took legal steps for redress, but nothing was done at the time.

The desirableness of uniting Virginia and Maryland had been strongly urged upon the authorities in England, and to counteract these intrigues Baltimore, in 1652, laid before the Commissioners of Plantations a paper entitled, "Reasons of State concerning Maryland." He shows that each plantation can be made a check upon the other, and if there should be a revolt in either, the well-affected could find a refuge in the other; that the Proprietary, living in England, was a hostage for the good behavior of his colony; that Maryland had remained faithful to the Commonwealth when other plantations fell off, and that to strip him now of his rights would be a discouragement to other adventures.

These arguments were really sound, and probably had weight, as we hear no more of the union of the colonies. When Cromwell, in 1653, dissolved the Parliament, and caused himself to be declared Protector, with the au-

thority, if not the title, of King, the Protectorate was publicly proclaimed by Stone in Maryland.

This act of Cromwell's changed the whole situation. At one blow Parliament and Keepers had gone, and with them the authority of every official who derived his power from them. Cromwell and the army were all the government of England. And Cromwell was as anxious now to consolidate his power, as he had been eager to attain it. To put an end to all civil dissensions, to "heal and settle," as he phrased it, was now his first wish. The disputes between Maryland and Virginia were brought before him, and he wrote a highly characteristic letter to Bennett and Claiborne, promising to consider the matters in question, and exhorting them in the mean time to keep the peace, and above all to give their minds earnestly to religion.

Baltimore now thought it time to take a decisive move. His patent stood firm. There was no reason why he should not hold the same rights under the Protectorate that he had formerly held under the Crown; and this theory, that the Protectorate, as legitimate heir or assignee of the Crown, had succeeded to all its rights and obligations, was Cromwell's own view. With the authority of Parliament, that

delegated to the Commissioners had expired, and Stone in his proclamation had expressly stated that the Proprietary government existed by virtue of the charter, and was held under the Protectorate. Strong in this position, Baltimore directed Stone to exact the customary oath of fidelity from all taking up lands, and to see that legal process ran in his name as heretofore.

There was nothing in this offensive to Cromwell or England. But it was not England's game that Bennett and Claiborne were playing, but their own. They mustered a force, partly from Virginia, and partly from Maryland, compelled Stone to resign, and placed Captain William Fuller, a Puritan of Providence, with a body of commissioners, in possession of the government.

The commissioners now went to work and issued writs of election to a General Assembly, writs of a tenor hitherto unknown in Maryland. No man of the Roman Catholic faith could be elected as a burgess, or even cast a vote. The Assembly obtained by this process of selection justified its choice. It at once repealed the Toleration Act of 1649, and enacted a new one more to its mind, which also bore the title, "An Act concerning Religion;" but it was toleration with a difference. It provided that

none who professed the popish religion could be protected in the Province, but were to be restrained from the exercise thereof. For Protestants it provided that no one professing faith in Christ was to be restrained from the exercise of his religion, "provided that this liberty be not extended to popery nor prelacy, nor to such as under the profession of Christ hold forth and practice licentiousness." That is, with the exception of the Roman Catholics and the Churchmen, together with the Brownists, Quakers, Anabaptists, and other miscellaneous Protestant sects aimed at by the third exclusion, all others might profess their faith without molestation. Surely this toleration might have been expressed in briefer phrase.

Nor were they satisfied with overthrowing the Proprietary's authority and persecuting his fellow-believers; they attacked his territorial rights, declaring that all persons who had transported themselves into the Province were entitled to land by virtue of such transportation, and might take it up at pleasure, without any reference to Baltimore or his officers.

Baltimore remonstrated with the Protector, who wrote to Bennett, not, as before, to give his mind earnestly to religion, but to cease, and to make all under his authority, cease from disturbing the Marylanders, and to leave all

things as they had been before these alterations.

But before this order was sent, Baltimore, perhaps apprised of Cromwell's intentions, wrote to Stone rebuking him for his too ready surrender, and directing him to resume his office. Stone thereupon bestirred himself, and gathered a force for an advance upon Providence, the headquarters of the Puritans. Part of his men marched by land, and part went by water, until they reached the Severn River, when all were embarked and entered the harbor on the evening of March 24, 1655. Fuller assembled his party and advanced to meet the Marylanders, who came up in spirited fashion, with the gold and black flag of Maryland flying. Fuller's force was about 175, and Stone's about 130. But Fuller's party had been strengthened by two merchant ships in the river, the Golden Lyon of London, and a small trading-craft from New England. The captains of these vessels, being Puritans, readily agreed to help Fuller, and opened a severe fire upon the Marylanders from the water side, while the land forces attacked in front. Stone's party, thus caught between two fires, was defeated with severe loss, and surrendered upon promise of quarter.

Fuller now held a court-martial upon his

prisoners, and condemned Stone and nine others to death, despite his promise of quarter. Even an appeal to the Protector was disallowed, and four were executed in cold blood; but at the intercession of the soldiers and of some humane women, the lives of Stone and the survivors were spared. Stone, who was wounded, was kept for some time in rigorous confinement, not even his wife being allowed to visit him.

The victors now went to work to reap the fruit of their labors. They seized the records and great seal, and proceeded to confiscate the property of the opposite party and to behave as in a conquered land. The missions among the Indians were broken up, and the missionaries arrested or forced to fly. From the letter of 1656 we catch a glimpse of their trials: —

"The English who inhabit Virginia had made an attack on the colonists [of Maryland], and the Governor and others surrendered on the assurance of their lives; but these conditions were treacherously violated, and four of the prisoners were shot. They rushed into our houses and demanded that the impostors, as they called them, should be given up to slaughter. By God's mercy the fathers escaped, but their books and other property were seized. With the utmost hazard they escaped into Virginia, where they still are, sorely straitened,

and barely able to sustain life; living in a little low hut, like a cistern or a tomb."

About this time we note the first appearance of the witchcraft delusion in Maryland. But, to the credit of the Province, that cruel superstition took no hold, and the few charges that were brought were dismissed as false and malicious, though still, in 1669, we find the county commissioners charged to inquire into "witchcraft, enchantments, sorceries, and magick arts," as well as into "forestallings, engrossings, and extortions." One conviction is found in 1674, of a certain Coman, but on the petition of the Lower House he was reprieved by the Governor, and no instance of an execution for this cause has been discovered in the records.[1]

There were, however, at least two trials of parties accused of hanging witches on the high seas, and the report of one, as it is associated with an illustrious name, we give in exact transcript from the original record of the Provincial Court. The complainant was the great-grandfather of George Washington: —

"Whereas John Washington of Westmoreland county in Virginia hath made Complaynt agst. Ed-

[1] With perhaps a solitary exception. In Kilty's *English Statutes* there is a reference to an execution for witchcraft in 1685, but as the records of that year are lost, we are unable to verify it.

ward Prescott, merch^{t}, Accusin the s^{d} Prescott of ffelony unto the Gouerm^{t} of this Province. Alleaging how that hee the s^{d} Prescott hanged a Witch on his ship as hee was outwards bownd from England hither the last yeare. Vppon w^{ch} complaynt of the s^{d} Washington, the Gou^{r} caused the s^{d} Edward Prescott to bee arrested: Taking Bond for his appearance att this Prouinciall Court of 40000^{t} of Tob. Gyuing moreover notice to the s^{d} Washington by letter of his proceedings therein. a Copie of w^{ch} l^{r} wth the s^{d} Washingtons answere thereto are as followeth

"'M^{r} Washington

"'Vppon yo^{r} Complaynt to mee th^{t} M^{r} Prescott did on his voyage from England hither cause a woman to bee Executed for a Witch. I have caused him to bee apprehended uppon suspition of ffelony, & doe intend to bind him over to the Prouinciall Court to answere it where I doe allso exspect yo^{w} to bee, to make good yo^{r} Charge. Hee will bee called uppon his Tryall the 4th or 5th of Octob^{r} next att the Court to bee held then att Patux^{t} neere M^{r} ffenwicks howse. Where I suppose yo^{w} will not fayle to bee. Wittnesses examined in Virginia will bee of noe ualew here in this Case, for they must bee face to face wth the party accused, or they stand for nothing. I thought good to acquaynt yo^{w} wth this, that yo^{w} may not come unprouided. This att present S^{r} is all from yo^{r} ffreind

"'JOSIAS FFENDALL

"'29th Septemb^{r}'

" ' Hon^ble S^r

" ' Yo^rs of this 29^th instant this day I receaued. I am sorry th^t my extraordinary occasions will not permitt mee to bee att the next Prouinciall Court, to bee held in Maryland the 4^th of this next Month. Because then god willing I intend to geet my yowng sonne baptized. All the Company & Gossips being all-ready inuited. Besides in this short time Wittnesses cannott be gott to come ouer. But if M^r Prescott be bownd to answere at the next Prouinciall Court after this, I shall doe what lyeth in my power to gett them ouer. S^r I shall desyre yo^w for to acquaynt mee whither M^r Prescott be bound ouer to the next Court, & where the Court is that I may have some time for to prouide euidence, & soe I rest.

" ' yo^r ffreind & Seru^t

" ' JOHN WASHINGTON.

" ' 30^th of Septemb^r 1659 '

" To w^ch complaynt of John Washington the s^d Edward Prescott (submitting himselfe to his try-all) denyeth not but that there was one Elizabeth Richardson hanged on his ship as he was outward Bownd the last yeare from England, & comming for this prouince, neere unto the Westerne Islands, by his Master & Company (Hee hauing appoynted one John Greene for th^t Voyage, Master, though himselfe was both Merch^t & owner of the ship) But further sayth, Th^t he w^th stood the proceedings of his s^d Master & Company, & protested ag^st them in that business. And that thereuppon both the Master & Company were ready to mutiny.

"And it appearing to the Court by the Printed Custome howse Discharge & Light-howse Bills or acquittances produced & shewen by the s^{d} Edw. Prescott taken or gyuen in John Greene's name, that the s^{d} Greene was master for th^{t} voyage, & not Edward Prescott. And noe one comming to prosequute, The s^{d} Prescott therefore prays that hee may bee acquitted.

"Whereuppon (standing uppon his Justificāon) Proclamāon was made by the Sheriffe in these uery words.

"O yes &c. Edward Prescott Prisoner att the Bar uppon suspition of ffelony stand uppon his acquittall. If any person can giue evidence against him, lett him come in, for the Prisoner otherwise will bee acquitt.

"And noe one appearing, the Prisoner is acquitted by the Board."

The Virginians were again vociferous for the destruction of Maryland, now reduced to extremity, and the old clamor of Claiborne and *hactenus inculta*, the cuckoo-cry of "papists, Jesuits, oppressors of the poor Protestants," were again dinned into the Protector's weary ears. Once more the question was referred to the Commissioners for Plantations, and with it, "under particular reference from his Highness," Baltimore's complaint against Bennett and Claiborne for the massacre at Providence,

and once more Baltimore's rights were confirmed.

Baltimore, before the decision was rendered, had appointed Captain Josias Fendall, governor, with a body of Councillors; an unfortunate choice as it proved. But before Fendall could assume the government, he was arrested by Fuller, and only released on his pledge not to attempt anything against the Commissioners.

In 1656 the Commissioners of Plantations, after a thorough investigation of the question, decided, as has been said, in Baltimore's favor; and the Proprietary now renewed his instructions to Fendall, and sent out his brother, Philip Calvert, as Secretary of the Province. It would seem as if Cromwell, getting to understand the rights of the case, brought some pressure to bear on Bennett and Mathews, another of the Virginia Commissioners; at all events, their policy toward Maryland changed, and Claiborne, it seems, had no voice in the matter. On November 30, 1657, Mathews, being then in England, made an agreement in Bennett's name with the Proprietary by which they surrendered all that had been gained, and balked the hopes of the Virginians when they seemed just within their grasp. Baltimore's rights, both sovereign and territorial, were fully con-

ceded, and his authority was reëstablished throughout the Province. A general amnesty was declared, and for the oath of fidelity, so much scrupled at by those who disliked oaths and who disliked fidelity, was substituted a simple obligation to submit to and sustain the Proprietary's government. Those who had been in arms against him had the option of taking this obligation, or quitting the Province within a year. All disputes arising from the late disturbances were to be referred to the Lord Protector and Council; and no one was to be disfranchised, disabled from holding office, or disarmed for any part he had taken in the late troubles. The legislation of the interregnum of course fell to the ground; but the Commissioners even took pains to annul the most characteristic of their laws, by inserting in the agreement a clause that the Toleration Act of 1649 was to be made perpetual. No mention was made of Claiborne, who has now finally disappeared from Maryland history, though we shall hear of him once more in a new character.

This agreement was signed and sealed on March 23, 1657–58, and thus Baltimore's struggle with Virginia and the Puritans ended in his complete triumph and reinstatement in all his rights. Every engine had been brought to bear against him: fraud, misrepresentation,

religious animosities, and force; and each, for a time, had succeeded. He owed his triumph to neither violence, fraud, nor intrigue, but to the justice of his cause, and his wisdom, constancy, and patience.

CHAPTER VI.

WHAT precious properties Baltimore had discovered in Fendall that he should select him to be governor, we cannot now see; but his choice may have been guided by the zeal and devotion which he had displayed in the late troubles. Baltimore also gave substantial rewards to others who had proved their fidelity and suffered for it; and he sent particular directions for provision to be made out of his own rents for the widows of those who fell at Providence. They were charged to "let him know wherein he can do them any good, in recompense of their sufferings, of which he is very sensible;" and he promises to do his best to obtain them further redress from the Protector and Council. To remove all discontents, those who had taken up lands under the Commissioners might have them confirmed under the usual conditions. So complete was the pacification that in the Assembly of 1659–60 we find Captain Fuller and others of the Commissioners taking seats as burgesses.

And now, for the first time, provision was

made for admitting foreigners to naturalisation, and placing them on the same footing as British subjects; a privilege of which Frenchmen, Dutch, Swedes, Germans, and others began to avail themselves not long after.

Fendall opened his administration with active measures. As the Indians seemed to threaten trouble, the dissensions in the Province having made them bold, the whole militia system was reorganised. All males capable of bearing arms, between sixteen and sixty, were mustered; and of these the ablest were enrolled in trained bands, and drilled regularly by their respective officers. The whole force was organised in two regiments, of which the Governor commanded the first, the district extending from the Potomac to the Patuxent; and Colonel Nathaniel Utie, the second, from the Coves of Patuxent to the Seven Mountains, and the Isle of Kent. These regiments were divided into companies, each company having its allotted district; thus Major Ewen had the company south of South River, Captain Howell that between South River and the Severn, Utie, as his special company, that from the Severn to the Seven Mountains,[1] and Captain Bradnox, an old Claiborne

[1] As there is nothing deserving the name of mountain in Ann Arundel, these seven mountains were probably some of the hills to the north of the Patapsco.

man, Kent Island. Although, by an agreement with the Indians, in 1652, the English were to possess, without molestation, the land between the Choptank and the Elk, yet there seems to have been as yet but one settlement on the Eastern Shore, near the Pocomoke.

This reorganisation of the militia soon brought the government into conflict with the Quakers, of whom a number had taken refuge in the Province from the persecutions in New England and Virginia. These pacific people not only refused to bear arms for their own defence, but did all they could to dissuade others from doing so. They would not take the juror's oath, nor give testimony in court; and, with exaggerated scrupulosity, refused the engagement (no longer an oath) of fidelity, and persuaded some who had taken it to renounce and disown it, on the ground that "they were to be governed by God's law and the light within them, and not by man's law." Two particularly active missionaries of the sect, Thurston and Cole, not residents of the Province, were arrested on these charges. Fendall, though far from possessing the liberal spirit of Baltimore, seemed not disposed to press the matter too harshly; though it was evident that men who not only openly defied the laws, but exhorted others to defy them, could not be

allowed to remain in Maryland. Thurston voluntarily offered to leave the Province, and he was permitted to do so. An order was passed that all Quaker "vagabonds and idlers" should leave Maryland, and if they ventured to return should be whipped from constable to constable out of the Province.

On this order Thurston was rearrested the next month; but pleading that he was not liable to the penalty, as the order applied to such only as returned to the Province, whereas he had not yet left it, his plea was allowed. As the zealous Thurston was treated so leniently, it is not likely that more inoffensive persons met with more severity; and, as matter of fact, there is no evidence that any Quaker was whipped during Fendall's brief rule, the only time that the order remained in force.

Fendall had not been long in office when he began a course of intrigue, apparently with the object of enlarging his own power at the expense of the Proprietary, by assuming to hold his office from the Assembly itself, thus making Maryland a miniature commonwealth, of which he aspired to be the petty Cromwell. What influences he brought to bear we cannot certainly say, as he worked in the dark; but his followers, at a later day, pleaded that they were deceived by false representations, and did not

understand his aims. At the session of March, 1659–60, the plot was ripe, and the first move was made.

First, the Burgesses sent a message to the Governor and Council, stating that they held themselves to be a lawful Assembly, without dependence on any other power, and asking if the Upper House had any objections to make to that view. The Upper House, in reply, asked if by "lawful Assembly" they meant that they were a complete legislative body without the Upper House; and if, by the words "without dependence," they meant that they were independent of the Proprietary's authority. A conference between the Houses was then held, after which Fendall declared his opinion that, as he then stood, he could only assent to laws provisionally, until the Proprietary's pleasure was known. But that he verily believed the intent of the patent to be that the freemen assembled should make the laws, which, when published in the Proprietary's name, should be in full force. That was what he understood to be the real meaning of the clause, that the Proprietary might make laws with the assent of the freemen. Councillors Gerrard and Utie sided with the Governor; the Secretary and the rest dissented.

The Burgesses, led apparently by one Hatch,

of Charles County, now took the next step. They notified the Governor and Council that they would not consider them an Upper House, but they might, if they pleased, take seats in the Lower. Apparently they did not see that, as the councillors were appointed by Baltimore and there was no limit to their number, this arrangement placed it in his power to swamp the Assembly with his adherents; but it is pretty plain that they were merely carrying out a programme laid down by Fendall. After some discussion as to the organisation of the Assembly on this new footing, Fendall agreed to their terms. He was to be the President of the body, but the Burgesses retained their Speaker, who had the power to adjourn or dissolve the Assembly. The Secretary and Councillor Brooke protested, and withdrew. Fendall then surrendered his commission from the Proprietary, and accepted a new one from the Assembly. The whole constitution of the Province was thus overthrown, the Proprietary's entire authority was swept away, and he was left without a representative, without an executive officer, and without official means of communicating with his colonists.

Though Fendall and the rest must have known that they were sure to be called to a sharp reckoning for these doings, yet they went

on as if they were assured masters of the position. They repealed all previous laws and made it felony to disturb the government they had established. Fendall issued a proclamation forbidding all persons to own any authority save what came directly from the King or the Assembly, thus openly renouncing the charter and the Proprietary's government.

Before these things were done, Baltimore had sent out orders to have the boundaries of his Province surveyed, and all the inhabitants brought within his jurisdiction. This, most likely, was owing to his hearing something about the Dutch and their proceedings on the Delaware. How and when these people came to Maryland must now be explained.

James I., whose title to the mainland of North America rested on the discoveries of Cabot sailing in the service of Henry VII., had, in 1606, divided the territory between the London and Plymouth Companies, whose joint boundaries included all the land between the thirty-fourth and forty-fifth parallels. The New England settlers, however, kept well to the north, and the Virginians to the south, and into the unsettled space between them the Dutch dropped in 1623.

With the settlement at Manhattan this narrative has nothing to do. But the Delaware,

or South River, as the Dutch called it, attracted their attention, and they made one or two transient lodgments upon it, the latest of which, at "Zwaanendal," on the Lewes River, came to a tragic end in a few months, the settlers being massacred to a man by the Indians in 1631. So at the time of the issue of the Maryland charter there was not a European living on the Delaware.

In 1638 Sweden caught the colonising fever, and a party of adventurers, learning that the shores of the Delaware were unsettled, sailed up the bay and river, and established themselves at the present site of Wilmington, where they built a fort and named it Fort Christina, in honor of their twelve-year-old Queen, the daughter of Gustavus Adolphus. The Dutch, growing alarmed at the growth of this colony, built a fort in 1651 near the present site of New Castle, but it soon had to surrender to a Swedish man-of-war, and the triumphant Swedes gave the name of New Sweden to the west bank of the Delaware. But in 1655 the Dutch took Forts Christina and Casimir, and reduced all New Sweden, which they divided into two provinces, Altona and New Amstel.

But Dutch and Swedes had been squabbling over land which belonged to neither, and to Governor Alricks of New Amstel, Utie was

now sent to notify him that he was within the limits of Maryland, and to warn him that the settlers must either acknowledge Maryland's jurisdiction, quit the Province, or take the consequences, which Utie intimated would be serious. Alricks, with Beekman, the Governor of Altona, received Utie courteously, but expressed great astonishment at his message. On his requiring an immediate answer, they pleaded that the matter was too high for them, and that the decision rested with Parliament and the States General of Holland.

News of all this was soon carried to their chief, the doughty Peter Stuyvesant at Manhattan, who averred that Alricks and Beekman were a pair of poltroons who had been scared by Utie's bullying talk, and sent down Martin Krygier, a man of war, with orders to take command, put the South River militia on a war footing, and seize Utie. Before he came, however, Utie was gone. The Assembly had really no intention of going to sanguinary extremities, but merely wished to give the Dutch formal notice that they might not at some future day plead adverse possession.

Stuyvesant, not knowing but that a serious attack might be in preparation, sent two envoys, Augustine Herman and Resolved Waldron, to the authorities of Maryland to complain

of Utie's proceedings and discuss the whole question of title. All the arguments were gone over, *hactenus inculta* included; and the envoys with exemplary gravity trumped the English title by going back to Columbus and claiming as the natural heirs of their old tyrant, Spain. As neither side was willing to concede anything in words, or ready to undertake anything in action, the upshot was merely an exchange of manifestos, after which the envoys departed, Waldron to report to Stuyvesant, and Herman to Virginia, to try his hand, he says, at stirring up dissension between that Province and Maryland.

But the state of affairs in Virginia was not what it had been. On September 3, 1658, the great Protector died, and the leading-staff soon fell from the nerveless hand of his successor. The people of England, seeing that their choice lay between government by the army and the restoration of the Stuarts, wisely chose the latter, and Charles II. was proclaimed amid universal rejoicings. The cavaliers in Virginia now lifted their heads once more, and that staunch royalist, Berkeley, always the friend of Maryland, was again governor.

Herman, we may conjecture, did not find much encouragement there. But a change had come over the spirit of the Bohemian surveyor.

He had come out, like Balaam, to curse the land, and now that he had seen it, he was inclined to bless it altogether. In more prosaic phrase, what he saw of Maryland during that journey of his determined him to make it his home; and he wrote to the Proprietary, offering to make a map of Maryland — now more than ever needed to settle boundary disputes — in consideration of the grant of a manor. Baltimore agreeing, Herman took up some five thousand acres on the Elk, in the region he had traversed on his way from New Amstel, and named his grant Bohemia Manor. He applied for, and received letters of free denization so that he could hold land, and in 1666 he and his family were naturalised by the first act of the kind passed in the Province. He gradually increased his holding to twenty thousand acres or more, and became a great territorial magnate, in which capacity we shall hear of him again. The map, by no means a bad one, was faithfully produced in about ten years. It contains one curious feature showing how limited a view of the extent of the western continent prevailed as late as 1670. In the northwest corner of his map is a representation of the Alleghanies above the present Cumberland, and this note is appended: "These mighty high and great Mountaines trenching N. E.

and S. W., and W. S. W. is supposed to be the very middle Ridg of Northern America and the only Naturall Cause of the fierceness and Extreame Stormy Cold Winds that comes N. W. from thence all over this Continent and makes Frost."

When the news of Fendall's treachery reached Baltimore, he acted with promptness and energy. He at once dismissed Fendall and appointed his brother, Philip Calvert, Governor in his stead. He also obtained from the King letters commanding all to acknowledge and support his government, and directing Berkeley to give any help that might be needed in bringing the disaffected to reason. Pardon was to be granted to those whom he had misled by his false statements, but Fendall was on no account to escape with life. Fuller also was mixed up in it, and may possibly have been the secret instigator of it all; and he, too, was to have no mercy, as he showed none to the men murdered at Providence.

Some have fancied that they saw in the rebellion of Fendall a movement for popular liberty, but it was nothing of the sort. It was an intrigue of a few restless and ambitious spirits, and had no popular foundation at all. It may have been an abortive imitation of the action of the Virginia Burgesses in 1658. The only incen-

tive addressed to the people was a lying statement that the Proprietary had resolved to lay an export duty of ten shillings a hogshead on tobacco. Its only result, if successful, would have been to bring the Province directly under the crown, and to deprive the people of the franchises of their charter. At this time the Proprietary's rights and the people's liberties were indissolubly bound together, as events hereafter were to show.

In fact, so soon as Philip Calvert produced his commission, the whole plot collapsed. There was no resistance, and the help which Governor Berkeley was ready to give was declined with thanks. Fendall made some attempt to raise a mutiny in Charles County, but it was a miserable failure, and the records are almost contemptuous in their silence. He, Gerrard, and Hatch surrendered themselves to justice, were tried at the Provincial Court, found guilty of treason, and condemned to banishment, with forfeiture of estates; but on their pleading in a rather abject manner for pardon, the lenient Governor mitigated the sentence to a fine, with perpetual disfranchisement, and security for future good behavior. Those whom Fendall had drawn into his plot, Utie included, were freely pardoned on submission, and that was the end of the whole business.

The government now settled itself in the form which was never after disturbed until the Revolution. The charter gave the Proprietary the right of making laws with the assent of the freemen, but by Baltimore's concession, the freemen now initiated laws, subject to his assent or dissent. The legislative body consisted of the Governor and Council, sitting as an Upper House, and the elected Burgesses, or delegates, sitting as a Lower House. But the charter also gave the Proprietary or his representative the right to enact ordinances, under certain restrictions, which should have the force of law; and this was done by the Governor and Council, sitting as a Council, in which form, also, they transacted executive business.

Thus the powers of government were distributed in this wise: the executive was the Governor, acting with advice of his Council, and through his appointed officers; the legislative, the two Houses of Assembly and, to a limited extent, the Governor and Council; the judiciary, the Provincial Court held at the seat of government, the various county courts, and the justices of the peace.

CHAPTER VII.

In 1661, Charles Calvert, only son and heir of the Proprietary, was sent out as Governor, his uncle, Philip, being appointed Deputy-Lieutenant and Chancellor of the Province. Charles seems to have lacked the firmness and constancy of his father, but he possessed a full share of his justice, humanity, and thoughtful care for the interests of the Province, which prospered during his administration.

The relations of the colonists with the Indians were still in a somewhat unsettled condition. On the Western Shore, to the south (and perhaps also to the north) of the Patuxent, dwelt various tribes belonging to the Pascataway confederacy, and these were friendly, and indeed to a certain extent subject to the English, and under their protection. North of the Patapsco and at the head of the bay were the Susquehannoughs, who seem as a nation to have observed treaties pretty well; though we may be allowed to doubt whether, in case of hostilities, they would rigidly have observed that clause in the treaty of 1652 which required

each party to give the other twenty days' notice before beginning operations. To the north of these were their enemies, the fierce Oneidas and Senecas, of the Five Nations, and the Mingoes, who often made incursions upon them, and sometimes cut off a travelling Englishman, or plundered an outlying farm. On the Eastern Shore, about the Wighcomico, were the Wicomeses, whom the Proprietary had once the odd fancy of gathering into a manor and making copyholders. Here were the Assateagues and their allies, against whom the Virginians in 1659 wished to engage the Marylanders in an expedition; but the invitation was declined on the ground that the Virginians had stated no cause of complaint, and the Marylanders for their part had none. Here too were the Nanticokes, a brave people, who gave the colony much trouble at times, and a remnant of whom survived to a date almost within memory.

Characteristic notes of dealings with these tribes are scattered through the records. When a plantation is plundered or hogs killed, or, as sometimes happens, a settler is slain, the Pascataways readily give up the offender to justice, while the Susquehannoughs usually asseverate that it was the Mingoes' or Senecas' doings, not theirs, and that they are behaving in an altogether exemplary manner.

In 1660 there came a grand embassy from Uttapoingassinem, the new emperor of Pascataway, bringing a present to the Governor, and desiring the continuance of the peace made with his predecessor. The Governor asked whether the emperor obtained the dignity by succession or election; upon which the chief ambassador, the emperor's brother, expounded the matter as follows: —

"Long ago there came a king from the Eastern Shore who ruled over all the Indians now inhabiting within the Province, and also over the Patowmecks and Susquehannoughs, whom, for that he did as it were embrace and cover them all, they called Uttapoingassinem. He dying without issue, made his brother king after him, after whom succeeded his other brothers, after whose death they took a sister's son; and so from brother to brother, and for want of such to a sister's son. The government thus descended for thirteen generations without interruption until Kittamaquund's time, who died without brother or sister, and appointed his daughter to be queen; but the Indians withstood it as being contrary to their custom; whereupon they chose Wahucasso, the late emperor, who was descended from one of Uttapoingassinem's brothers. Wahucasso at his death appointed this other Uttapoingassinem

to be king, being descended from one of the first kings. This man, they said, was *jan jan wizous*, which in their language signifies a true king; and they would not suffer us to call him *tawzin*, which is the style they give to the sons of their kings, who by their custom are not to succeed, but only brothers' or sisters' sons."

Here we are brought in sight of that remarkable principle of reckoning descent through the female line only, which prevailed throughout the North American tribes; and which, whether considered as indicative of high regard for lineal descent combined with rather loose morality — the parentage of the mother being certain, and that of the father uncertain; — or as a survival of customs dating from the earliest ages of mankind, is one of the many interesting problems connected with these singular peoples.

This emperor's reign was but brief, as he died in 1662; and in pursuance of an embassy sent by the confederacy, Governor Charles Calvert and suite went to Pascataway to take part in the election of a new emperor, by the kings and chiefs assembled for that purpose. After long council held, the kings presented as their choice a boy of eleven, son of the late emperor. This seeming contrary to their custom, they explained that their emperors were chosen from

two families, this youth being of one, while of the other family there was a maiden to whom they proposed to marry him, thus securing succession through a female of royal blood. They submitted their wishes to the Governor, asking his approval and the assurance of his protection to the young prince. He answered favorably, and warned them that if the new emperor died suddenly or under suspicious circumstances, he would assuredly hold them to a strict account. Various ceremonies followed, after which Wahucasso, as he was now called, was declared emperor of all the tribes of Pascataway, Chincoteague, Potopaco, and Mattawoman.

A solemn treaty was also concluded with the Susquehannoughs, at Spesutia Island,[1] in May, 1661, which may be given in brief as the type of all these treaties. The gathering was imposing: on the English side were present Governor Philip Calvert, Secretary Coursey, and the Council; on the Indian side, the most illustrious sachems of the noblest totems, dressed, we may be sure, in the highest style of barbaric magnificence. Chief of all was "Dahadaghossa of the great Torripine family," that is, of the Terrapin or Turtle totem, "Saranga-

[1] Spes-Utia, "Utie's Hope," so named by its owner, Colonel Utie.

raro of the Wolfe family, Waskandoqua of the Ohongeoguena nation, Kagoregago of the Unquehiett nation, Saroqundett of the Kaiquariega nation, Uwhannieretea of the Usququhaga [Cayuga?] nation, and Waddenhago of the Sconondihago nation."[1]

The stipulations were that each contracting party should assist the other in war, all prisoners to be delivered to the English, who disapproved of torture. The English were to send fifty men to the Susquehannoughs to build them a block-house on scientific principles (which was done at the precise northern boundary of the Province, under 40° north latitude). Because of the difficulty the English had in distinguishing members of one nation from those of another, certain places were appointed for those who came into the Province to repair to, and a system of passes for such as wished to travel farther. Any parties who, by pursuit of enemies or other causes, should approach an English house, were to give notice by shouting and to lay down their arms, which the English were to hold till their departure. Follow the hieroglyphs of the chiefs.

In treaties with the weaker tribes places

[1] The names are given as they appear on the record. They serve, at all events, to illustrate the alphabetic struggles of our ancestors with barbaric vocables.

were appointed where, in case of alarm, the women and children were to be placed under English protection, and it was expressly stipulated that these Indian women and children, in case their natural protectors were killed, should not be servants to the English, but remain free. In treaties with the Susquehannoughs care was always taken to include the Pascataways, "who are under our protection." Thus, with the exception of the "Jhonadoes" (Oneidas?), "Cinagoes" (Senecas), and the Mingoes, all the tribes in the Province were more or less under the authority and guardianship of Maryland.

The tribes last referred to were not only unfriendly but bold and aggressive. There were murders committed at the head of the bay, and on the Bush, Gunpowder, and Patapsco rivers, and the cries of the bereaved went up to the Assembly. Thomas Allcock, whose wife and child were murdered, appeals to them with a passionate vehemence that moves our sympathy to this day: "Your petitioner hereby throweth himself with the blood of his murdered wife and child at your feet, craving justice; which blood he humbly begs of the just Judge of heaven and earth never to remove from your souls, nor the souls of your children's children, till it be satisfied."

D'Hinoyossa, now Governor of New Amstel, was vehemently suspected of conniving at these outrages, if he did not instigate them, and his behavior was certainly ambiguous. From all these causes, so strained had the relations with the Dutch become that a council was held to consider the expediency of making war upon them. In 1659 Lord Baltimore had empowered an agent in Holland to demand of the West India Company the surrender of the lands on the Delaware, and, on their refusal, sent out the agent, Captain Neals, to the Province, with a commission authorising him to levy men and make war upon the intruders by land and water. His lordship thought that the Virginians and New Englanders would be helpful in the matter. This commission now came up, in consideration of the subject; but the Council concluded that no help was to be expected from the Virginians and New Englanders, and that Maryland would have to take the risk of a war with the Dutch West India Company, and perhaps with the whole force of the States General, which it was not able to bear. Moreover there were doubts whether New Amstel was or was not within the fortieth parallel, and until that should be exactly determined, it was well not to be too hasty, and so the war was, very wisely, deferred.

Troubles at the north were followed by troubles at the south. The exact situation of Watkins' Point, which marked the boundary of the Province, had for some time been in dispute, and commissioners had been appointed on both sides to settle the matter. Before they met, however, Colonel Edmund Scarborough, one of the Virginia commissioners, took it upon himself to reduce the lower settlements. His report to the Governor and Council is an amusing document. He was evidently a past master in the arts of bullying and wheedling, and having with him "about forty horsemen, for pomp and safety," ramped around among the poor Quakers of Manokin and Annamessex, threatening vengeance, arresting some, and placing "the broad arrow" of confiscation on their houses; while to others, who were loth to forego Maryland's greater freedom of trade, he was lavish of promises of equal freedom under Virginia. In mentioning this he takes care to remind the Governor and Council that they need not hold themselves bound to perform what he had promised in their name. Governor Berkeley, however, disowned and put a stop to these outrageous proceedings, but continued Scarborough on the commission, to Maryland's injury later.

CHAPTER VIII.

It must be confessed that, compared with the other colonies, the history of Maryland seems rather tame and uneventful. Small boundary disputes, occasional depredations of Indians, a sputter of rebellion now and then, little squabbles in the Assembly, these are the only events that break the peaceful monotony of the records, which are dated from St. Mary's, or St. Inigoes, or Mattapanient, or Resurrection Manor, as the Governor and Council moved about apparently with much the same motives as determined the good Dr. Primrose's migrations from the blue bed to the brown.

But this very tameness is an evidence of the modest prosperity of the Province, which grew steadily if not rapidly, and attracted men of all nations as well as all creeds. The harsh treatment of the Swedes on the Delaware — "that vile gang," as the envoys called them — by the Dutch, who wanted to force them to settle above the mouth of the Schuylkill, sent many hardy, industrious, and frugal colonists into Maryland, especially in the years 1661–62.

Theoretically, the position of the colonists was almost ideal. Living in a pleasant climate, on fertile lands held at the easiest rent, making their own laws, and free from interference or direct taxation by Parliament or King, no condition of prosperity seemed lacking. Yet there were drawbacks, and serious ones.

One of these was the over-production of tobacco. This had long given trouble in many ways. Men planted tobacco when they should have planted corn, and men took to planting when they should have been plying some handicraft. Thus there is complaint that hides cannot be tanned in the Province because the tanners have taken to growing tobacco instead of practising their mystery, whereby tobacco is made cheaper and shoes dearer. The legislation of the colony is full of restrictive and regulating enactments, either alone or in connection with Virginia; times of planting were shortened, planters were enjoined to grow two acres of corn for each member of their households, and other expedients were tried, to little purpose.

Tobacco was, and had been from the first, almost the sole currency of the Province; all dealings were founded upon it: debts, rents, fines, salaries, levies, all were paid in tobacco, and in tobacco all accounts were kept. As the

value of the staple continued to decline, this became a serious grievance, and endangered the welfare and almost the existence of the colony. The great want of a metallic currency was represented to the Proprietary, and measures of relief were discussed in the Assembly, which body, however, was much in doubt whether the charter gave the Proprietary the right of coining money, and whether that right had ever been possessed by the Bishops of Durham, the amplitude of whose powers was, to a certain extent, the measure of the Proprietary's. Baltimore, however, was either better informed or bolder, and in 1659 he had dies cut for a shilling, a sixpence, and a groat, and sent out specimens to see if it would be acceptable to the people, in which case he could furnish as much as was needed; but with his usual sense of justice he writes to his brother that "it must not be imposed upon the people but by a law made by their consent."

On October 4, 1659, information having been laid before the Privy Council that Baltimore was coining and exporting large quantities of silver, a warrant was issued for his apprehension, modified the next day to a simple summons to appear before the Commissioners for Plantations to answer the charge. Of his answer we can find no record, but it was proba-

bly satisfactory, as the matter seems to have been dropped. It is perhaps worth noting in this connection that when, in 1639, Lord Maltravers received a license to stamp farthing tokens to be uttered in the plantations, Maryland alone was excepted; which shows that this Province was regarded as standing on a different footing from the others.

The rebellion of Fendall interfered with Baltimore's intentions for the time; but, in 1661, the need being still pressing, the Assembly passed an act praying the Proprietary to set up a mint in the Province. Instead of doing this, he sent out a supply of coin, and the Assembly provided for its circulation by enjoining every householder to take ten shillings for every taxable in his family, paying in tobacco, at twopence per pound. The Act of Assembly also fixed the intrinsic value at about ninepence for the shilling, so that its real was only about seventy-five per cent. of its nominal value. It would seem as if Baltimore made a large profit by this emission, and that has been the view generally taken; but he, on his part, agreed to receive it for rents, fines, and other dues. Now, as in the Province it could only have three fourths the purchasing power of the English coinage, its natural tendency must have been to flow back into Balti-

more's coffers; and this is probably the reason that the coins are now so extremely rare, though it may well be that no large amount was ever in circulation.

Whether much or little, it did not remedy the crying evil of over-production of tobacco. To the English war with the Dutch, which closed the ports of Holland, came the great plague of London, which kept English ships away from the Province, and the market was choked up for want of an outlet. The matter caused fierce debates in the Assembly, the Upper House urging a cessation of planting, for a year at least, and the Lower House objecting that this would ruin the poorer planters and the trade of the Province, without any equivalent benefit, beside seriously impairing the royal revenues. The Burgesses at last reluctantly consented, if Virginia and Carolina would join; and an agreement to that effect was come to between the Provinces, but it was nullified by the Proprietary, on the same grounds as those urged by the Burgesses; and an order of the Privy Council peremptorily forbade the cessation. Attempts were made to encourage the planting of other crops, and the King, for this purpose, took the duties off hemp, pitch, and tar.

Still more disastrous was the operation of the

Navigation Act,[1] restricting the commerce of the colonies to English bottoms, — an act intended to wrest the sceptre of the seas from the Dutch. The policy of administering the colonies for England's advantage alone, which, in a hundred years, was to drive them to revolution, had long been innocuous in Maryland under the franchises of her charter, but so soon as that charter was held in abeyance, her rights were invaded. But Charles went farther, supported by his Council for Foreign Plantations, and apparently wished to exercise in the colonies that arbitrary power which he dared not try within sight of the window of Whitehall. He decreed that the main articles of colonial produce should be exported only to England or its dependencies. Thus, despite the express letter of her charter, Maryland, like the other colonies, was shut out from the markets of the world, and not even allowed to develop a carrying-trade of her own. The colony was, by force, kept agricultural. If England, by these means, became the empress of the seas, it was the colonies that paid the price of the imperial crown.

Of course there was contraband trade, by both Maryland and Virginia, with the Dutch, on the Delaware; not to a sufficient extent to

[1] Passed in 1651, and reënacted after the Restoration.

relieve those Provinces, but quite enough to irritate England. Governor Calvert, probably foreseeing that the Dutch war would result in the seizure of the disputed territory by the crown, tried to get the boundary question settled, and in 1663 paid a visit to New Amstel and Altona, where he was courteously received, but accomplished nothing beyond a better understanding about the Indian troubles.

The next year King Charles, either from his old grudge against the Dutch, or because he was irritated at their encroachments to the north of Manhattan, took the business into his own hands, and granted to his brother James, Duke of York, the land west of the Connecticut River and east of the Delaware, and James, then High Admiral of England, at once sent out a fleet to take possession of his grant. The expedition was commanded by Colonel Richard Nicolls and Sir Robert Carr; and in a few weeks the whole Dutch power was overthrown, and the conquered territory taken possession of by the Duke, who cared as little for the small charter of Maryland and its solemn pledges as he afterwards showed that he cared for the Great Charter of England.

The records tell us little of interest for the next few years. In 1667 a dreadful hurricane

swept over Virginia and Maryland, and did great damage. In the former Province it was said that fifteen thousand houses were blown down, and four fifths of the tobacco crop destroyed; but this must have been an exaggeration.

To the session of 1669 the Burgesses — Delegates, they were now called — seem to have brought a rather discontented and refractory temper. The old leaven of Puritanism was working among them, with the usual result of self-exaltation and resistance to established order. A preacher, one Nicholett, who perhaps imagined himself a Hugh Peters, preached them a sermon, in which he magnified their office, telling them that "they were chosen both by God and man, and had a power put into their hands;" that they "should read the proceedings of the Commons of England, to see what brave things they had done;" and, above all, that they "should beware of the sin of permission," — meaning letting things alone which it was in their power to disquiet. Nicholett was rather a brawler than a fanatic, for, on being called to account by the Upper House, he humbly acknowledged his fault, and asked pardon on his knees, and so came off with a fine of forty shillings.

The idea, however, that it was a House of

Commons, had somehow fixed itself in the fancy of the Lower House, and it next proceeded to the impeachment of one of its own members, on the testimony of a single witness, and that an alien. This proceeding the Upper House summarily quashed, dryly pointing out to them that they were permitting a breach of their own privileges, of which they were so jealous.

Next the Delegates presented a paper of grievances, seven in number, the chief of which were, that there was no person in the Province authorised to give a final assent to laws; that the year's levy was oppressive and unlawful; that vexatious informers were a grievance, and attorneys a grand grievance. The Upper House answered, with temper and firmness, that the Proprietary must retain in his own hands the power of assent to laws, since his authority rested on his patent, and a treacherous or ignorant deputy might confirm laws that were breaches of the patent, and thus bring about its forfeiture. As for the levy, that was for the necessary defence of the Province against the Indians, and if a grievance, it was one of their own making, since the act for raising it had been passed by both Houses. As to attorneys, they were a useful class of citizens, indispensable, indeed, to those who could not

attend to their law business in person, and if they were guilty of any misfeasance, there was the law to punish them. Vexatious informers they knew of none: if any one knew of any offence or malicious practice, and gave notice thereof to the authorities, he did but his duty, and by no means deserved to be called a vexatious informer. They gave the Delegates a dry reminder that they were not quite a House of Commons, as they seemed to think, but only held their places in virtue of the charter, and that in attacking that they were attacking themselves; and finally exhorted them to leave vain brabblings, and attend to the public business, which they were sent to do.

The Lower House was still malcontent, until, after messages to and fro, committees of conference, and the usual incidents of a parliamentary squabble, the Upper House offered an ultimatum: to expunge the offensive votes from their journal or be dissolved by the Governor. At this they yielded, expunged the votes, and harmony was restored. More than this, they joined with the Upper House in passing an Act of Gratitude to the Proprietary "for the manifold benefits and advantages they reaped from his lordship's unwearied endeavours" in behalf of the Province, in testimony whereof they voted a free gift to Governor Calvert of

sixpence per hogshead on all tobacco shipped from the Province for a year.

The many bickerings between the Houses, of which this is but a type, seem much like a tempest in a teapot. Yet as a tempest in a teapot is an interesting and instructive study of the workings of natural forces, so these are illustrative of the independent spirit of the provincials, and the jealous care with which they guarded their liberties. The Delegates were in the wrong here, and at other times, but there were times when they were in the right, and firmly held their ground.

About this time we catch the last glimpse, or almost the last, of the poor Pascataways. The feeble remnant of the tribe send a pathetic petition to their old friends and protectors, the English, in the name of "the boys, the grown people, the women, and the old men," desiring a continuance of friendship and peace. They have brought no present, seeing that they are dwindled to a mere handful, and "beg that hereafter, when their nation may be reduced to nothing, they may not be scorned and chased out of the English protection." The Governor encouraged and comforted them as best he might, assured them of peace and friendship, and "that we should not scorn or cast off the meanest of them."

The pledge was kept, we doubt not; but it was all in vain. The gentle Pascataways, the tenacious Nanticokes, the bold Susquehannoughs, and the ferocious Iroquois, had played their mysterious part in the tragedy of humanity, and had to make way for other actors with other destinies. Happiest they who passed softly into darkness, like the Tayac's harmless children.

The next year an attempt was made to settle the southern boundary of Maryland, and Chancellor Philip Calvert and Edmund Scarborough, Surveyor General of Virginia, were appointed to run the charter-line. The presence of Scarborough, of whose proceedings we have already heard something, boded no good to Maryland. The charter called for a line running east from Watkins' Point to the ocean; and Watkins' Point having been determined, Scarborough ran what he called "an east line" to the seaside. Not until long after was it found that he had run it so far to the north of east as to give Virginia twenty-three square miles that did not belong to her. This was the first spoliation of Maryland's territory, and but a trifle to what was to come.

Another, and much more considerable spoliation had already been prepared, by ignorance of the geography of lands which no white man

had visited. In 1649, Charles II., then a fugitive, granted to Lord Hopton and others the region lying between the Rappahannock and Potomac rivers, to be held under the government of Virginia. In 1669, some of the original grantees having died, the tract was regranted to Lord St. Albans and others; and in the fourth year of James II., the whole title having vested in Lord Culpeper, it was confirmed to him by the crown, and was brought by his daughter and heiress to Lord Fairfax, whom she married.

There was nothing in this grant, as it stood, which conflicted with the Maryland charter. But there was at this time, and for many years after, an uncertainty as to what was the first, that is, the most distant fountain of the Potomac; in other words, whether the right bank of the northern or southern branch of that river was Maryland's boundary line. Lord Fairfax, who did an extensive business in granting lands, settled the matter to suit his own interests by claiming to the north branch, though Maryland steadily refused to allow the claim, both before and after the source of the south branch was proved to be the first fountain. As Virginia, by her constitution of 1776, released all claim to the territory within the charter-boundaries of Maryland, and as the true western boundary was at that time well-known, one might have

supposed that Maryland would then get her rights; but the performance did not come up to the promise, and Virginia steadily refused to give up the land, or even to agree to give it up in case Maryland's right was established. At last, in 1852, the Assembly, by a generosity for which the State owes them small thanks, settled the matter by conceding to Virginia all that she asked, and thus depriving the State of half a million of acres of the most fertile land.

Though the agents of the Duke of York were occupying Delaware, he had no grant of land west of the river; and Baltimore was anxious to settle that part of his province and confirm his jurisdiction. For this purpose he appointed a surveyor-general and sent him to determine the northern boundary; he erected the lands north of the Horekill to the fortieth parallel, and east of that stream to the sea, into Durham and Worcester counties, and offered land to settlers at half the usual rent. White, the surveyor, proceeding to New Castle, found that it lay in 39° 30′ north latitude, and notified Lovelace, Governor of Manhattan, now New York, to that effect.

CHAPTER IX.

In 1675, Cecilius, Lord Baltimore, died, and was succeeded by his only son, Charles, as third Baron, and second Proprietary of Maryland. His wisdom, firmness, justice, and moderation had secured his own rights and the franchises of his colony — which he had never seen [1] — against the attacks of foes abroad and at home. His people, though sometimes petulant, were not ungrateful, and at least thrice they put on record a solemn declaration of gratitude for "his unwearied care to preserve them in the enjoyment of their lives, liberties, and fortunes."

Charles, his successor, seems to have had his father's prudence and justice, but not his quiet tenacity of purpose; and times were coming that made that quality more than ever necessary. A part of his territory had been already

[1] It may be convenient to remember that there were six Lords Baltimore and six Proprietaries of Maryland; but the first lord, George, was not a Proprietary, and the last Proprietary, Henry Harford, was not a lord. Of these seven persons, the first, third, fifth, and seventh visited Maryland, and the second, fourth, and sixth did not.

seized by a royal prince, soon to be king, to whom justice, law, and plighted faith were empty words. His enemies were busy at court, busy in Virginia, busy in New York, and busy in Maryland itself, sending home every charge that ingenuity could devise. The Protestants (now numbering about twelve to every Catholic) [1] were persecuted and in peril; religion and morals were in a parlous state; the royal revenues were defrauded (this was true, and so were the Proprietary's) [2] by smuggling at the head of the bay, and so forth. Even Claiborne, now over eighty years old, rouses himself for the moment at the thought of harm to be done to Maryland, and appears in the last of his many characters. The royalist who turned parliamentarian, the Churchman who turned Puritan, the King's officer who became Cromwell's commissioner, in a petition to

[1] Lord Baltimore wrote that the Nonconformists in Maryland outnumbered the Churchmen and Catholics together about three to one, and that the Churchmen were much more numerous than the Catholics. If they were twice as numerous, the proportion of Protestants to Catholics was eleven to one. A letter of 1681 estimates them as thirty to one, but this seems extravagant.

[2] The Navigation Act of 1662 imposed an export duty of a penny per pound on all tobacco shipped to other than English ports; and a provincial law in 1671 laid a tax of two shillings a hogshead, half for the public charges and half for the Proprietary.

the King poses as an old broken cavalier, calls himself "the old servant of your majesty's father and grandfather," and speaks of Charles I. as "your father of glorious memory." The old man might have spared his white hairs this shame: his petition was unregarded, and he died not long after on his Virginia estates. While doing justice to his readiness of resource, and indomitable tenacity of purpose, one cannot but wish that he had used directer methods, that he had sailed under fewer flags, and that when hard knocks were going, he had stayed and taken his share, instead of slipping off to Virginia and leaving others to do the fighting.

About the same time a Mr. Yeo, a clergyman, wrote to the Archbishop of Canterbury complaining that there was no established ministry in Maryland, and the Privy Council inquired the reason why. Baltimore replied that all forms of Christian faith were tolerated, and every denomination supported its own ministers;[1] that the Nonconformists outnumbered Churchmen and Romanists together by about three to one, and to compel them to support ministers not of their own faith would be a

[1] One instance of this is in the pious foundation of William Marshall of Pasquasecutt, who endowed the parish [*sic*] in 1652 with the milk of three heifers forever for the maintenance of a minister.

burden at once unjust and hard to impose. Virginia complained that dues were exacted of vessels sailing up the Potomac; and this was answered by calling attention to the fact that the whole Potomac River belonged to Maryland, so that every vessel navigating it was within Maryland's jurisdiction.

The Susquehannoughs, first the enemies of the colonists, then their friends and wardens of the northern marches, had for years been weakening and dwindling. The small-pox had made terrible ravages among them, and had so thinned their numbers that they were forced to ask help from the English against their old enemies, the Senecas and Cayugas. But these fierce and vindictive tribes still harassed them, and in 1673, after a crushing defeat, the shattered remnant of the tribe fled to the old lands of the Pascataways, near the Virginia boundary; nor were they safe even there from their relentless foes, who made forays upon them from time to time.

In 1675 several Indian murders occurred on both sides of the Potomac. Suspicion was fixed on the Susquehannoughs, and a joint attack was concerted by a party of Virginians under Colonel John Washington, and Marylanders under Major Thomas Truman, accompanied by a body of Indian allies. The Susquehannoughs

were in an old fort or block-house, and this the troops surrounded. A parley was held, at which the chiefs solemnly protested their innocence of the murders, which they said were the work of a party of Senecas; and as a proof that they were the friends of the English, they showed passes and a medal given them by Governor Calvert. Truman professed himself satisfied of their innocence, and promised to protect them, but the Virginians were clamorous for their blood, and when a party came into camp bringing in the bodies of some of the murdered settlers, their fury could no longer be restrained. Truman yielded, and five of the six chiefs who had come out under an assurance of safety, were seized, bound, and butchered, one escaping.

For this shameful breach of faith, Truman was impeached by the Delegates. The Upper House confirmed their action, and requested them to draw up a bill of attainder against him; but the Delegates, suddenly slackening in their zeal, were for a fine only, which the Upper House indignantly rejected, as little better than condonation of a flagrant crime and breach of public faith, which, on all accounts, deserved exemplary punishment. As neither House would recede, Truman went unpunished, beyond losing his seat in the Council.

This affair had serious consequences for Virginia. The Indians who were left in the fort after the massacre of the chiefs, held out for more than a month, and then stole off by night, crossed the Potomac, and made their way to the south, killing and ravaging as they went. Among their victims was an overseer of Nathaniel Bacon, one of the Council of Virginia, and a man of spirit and energy. To him the Virginians looked as their defender, and the results led to that tragic series of events known as "Bacon's rebellion," in Virginian history.

Fendall, who had come off so lightly in 1660, had not given up the hope of revenge, and in 1681 we find him intriguing with one John Coode, who had once been a clergyman, to create some disturbance in Maryland. The details are not clear; but it seems to have been a plot for raising a revolt of the disaffected with the help of a party of Virginians. Both were arrested and tried; Fendall was fined and banished, and Coode, the more dangerous of the two, was acquitted.

The Assembly, taking account of Baltimore's unwearying exertions to promote the prosperity and safety of the Province, offered him a free gift of 100,000 pounds of tobacco, as a testimony of "gratitude, duty, and affection," but the unselfish Proprietary declined the gift as

too heavy a burden on the people. This looked well; but a storm was gathering far worse than Maryland had yet encountered.

The Proprietary, whatever his prudence, humanity, and equity, was always at a disadvantage with his colonists as the adherent of a church that was intensely hated and feared; and the "Popish Plot" of Oates had shown how ready men were to believe the most monstrous fabrications, and rush into a frenzy of rage and terror. Never was there a more instructive lesson of the deadly power of words: the names of "Papist" and "Jesuit" were enough to throw the people into delirium in which reason, justice, law, and humanity were alike forgotten; and in Maryland, as in England, there were always men ready to kindle the people's passions, and play upon their fears, for their own advantage.

But before sketching the events which followed, we will go back a little to touch that small, but not uninteresting episode in the history of Maryland, known as the settlement of the Labadists. These were a sect of Quietists or Mystics, founded by one Jean Labadie or De la Badie, a Frenchman. Labadie was an enthusiast who believed himself divinely commissioned to restore the church to its primitive purity and apostolic gifts. He was first a

Jesuit, then a rigid Calvinist, and after trying various forms of religion, none of which was quite to his mind, founded a sect of his own. The Labadists believed in the inward illumination of the Spirit, and professed the gift of prophecy; they had a community of goods, and held peculiar and inconvenient views on the subject of marriage.

The dangerous antinomian doctrines of this sect caused it to be looked on suspiciously by the civil authorities of Holland, where it was founded, and after various expulsions and emigrations the community found a resting-place at the village of Wiewerd in Friesland. Growing somewhat straitened for room, in 1679 they sent out two missionaries, Peter Sluyter and Jasper Dankers, to America, to look for a suitable spot to plant a colony.

These missionaries, whose journal is still extant, landed first at New York, where they made the acquaintance of Ephraim Herman, eldest son of Augustine, over whom they soon established an influence, and finally made a convert of him. As they were looking for land, he brought them down to Bohemia Manor, to see his father. The old patriarch was sick, lonely, and unhappy amid his wide possessions — now about twenty thousand acres — but received them with kindness and countersigned

their passports that they might travel down the peninsula. Here, and on their journey down, they were much impressed with the forests of stately trees, the fertility of the soil, and above all with the infinite multitudes of ducks and other waterfowl that blackened the creeks and coves. A boy of twelve who brought down three or four at a shot, complained of his bad luck, as usually he killed twelve or eighteen at a shot.

Much to the missionaries' disgust, they fell in with some Quakers on their journey, who gave an exhibition of the singular performances from which the sect derived its name. After drinking some rum the Quakers began to groan, and were then seized with a fit of quaking, but nothing came of it. There was a Quakeress with them, whom they call "the great prophetess," who "travelled through the whole country in order to quake," which she did at dinner with great energy, and then fell to shrieking. "The Indians," they say, "hate the Quakers very much on account of their deceit and covetousness." Their scorn of these inoffensive people — "miserable Quakers," they call them — who held doctrines in some respects not unlike their own, is amusing.

The toleration of Maryland, no doubt, combined with the physical advantages of the coun-

try in determining their choice of a site, and they finally returned to Bohemia Manor, where they arranged to purchase a tract of some three or four thousand acres, in what is now Cecil County, and then, after some further journeys, went back to Wieverd.

In 1683 they came back with the nucleus of a colony, and Herman — very reluctantly, for he had grown angry and alarmed at the influence they had established over his credulous and pliable heir, who had forsaken his young wife to join their community — deeded the land to them. Sluyters, who contrived to merge in himself the whole title to the land, gradually made himself the despot of the little community, and ruled it in hard and arbitrary fashion, with the help of his wife, the rest being little better than his slaves. They were industrious and frugal, but their peculiar life and doctrines rendered them objects of dislike and suspicion to all their neighbors. In 1698 there was a partition of the property, Sluyter retaining as his share enough to make him a wealthy man. He died in 1722; and the colony in America and the parent community at Wieverd seem to have come to an end at about the same time.

The settlements on the Delaware were, as we have seen, held by the officers of the Duke

of York, though within the Maryland grant. As the whole sovereignty was sure before long to pass into his hands with the crown, it is likely that for some time nothing would have been done to disturb the existing status, but for the activity of a favorite of the Duke's, William Penn. Penn had obtained, under circumstances which do not here concern us, a trusteeship, which he improved into a part ownership, of New Jersey, and looking to the west of the Delaware, he saw the land that it was good, and longed for the possession thereof.

It so happened that the crown owed the estate of his father, Admiral Penn, some £16,000, which it would not, and probably could not, pay, so William proposed to accept as a quittance a province west of the Delaware and north of Maryland. A copy of the petition was exhibited to Lord Baltimore's agents, that they might report if in any way it encroached upon his rights or territory. They replied, asking the Council to express in the grant, if it should pass, that the southern boundary of the territory conveyed should run north of the Susquehannough fort, which stood under 40° north latitude, Maryland's northern boundary; and also that there should be a clause inserted saving all Baltimore's rights. This letter being submitted to Penn, he declared himself per-

fectly willing that the Susquehannough fort should be the northern boundary, and was ready to comply in all other matters. From so fair-spoken and amiable a neighbor, nothing was to be apprehended, and the charter passed in March, 1681, conveying to Penn a tract bounded on the east by the Delaware River, "from twelve miles northward of New Castle town," on the north by the parallel of 43° north latitude, to extend westward five degrees of longitude, and to be bounded on the south "by a circle drawn at twelve miles distance from New Castle, northward and westward to the beginning of the fortieth degree of north latitude, and thence by a straight line westward." Nothing was said about the Susquehannough fort.

The charter was much the same as that of Maryland; but all provincial laws were to be submitted to the Privy Council for their assent, and Parliament reserved the right to levy taxes on the colonists, the Attorney-General considering the Maryland charter too liberal in those respects.

Penn now wrote a letter to Herman and other Marylanders at the head of the bay, inviting them, with an abundance of fine promises, to acknowledge his government, cautioning them to pay no more taxes or levies to Maryland, with a covert threat of his "power with

his superiors" in England in case of their contumacy, and concluding with a characteristic twang. He hopes "that we shall all doe the thing that is just and honest, according to our respective stations." "Which," he adds, "is allwaies wise."

Having dropped this seed to fructify in the minds of the Marylanders, he appointed William Markham to go out as deputy governor, with instructions to have an interview with Baltimore and adjust their common boundary. Markham provided himself with a proper sextant, and found to his surprise that Upland was twelve miles south of 40° and New Castle twenty miles. After this discovery he used every stratagem to avoid meeting Baltimore. Baltimore, however, weary of his evasions, went suddenly to New Castle, and there found Markham and his sextant, but on proposing to take an observation, some of the glasses had been carried off, and could not be found. An observation, however, was made with another instrument, much to Markham's disgust, who, finding that the facts were against him, began to take high ground and to inquire if Baltimore meant to limit the King's power, and so forth.

In the mean time Penn's seed had sprouted, and the settlers in Baltimore and Cecil coun-

ties, not knowing what his power with his superiors might amount to, refused to pay the year's levies, and the militia had to be called upon to support the sheriffs in their collections.

Penn was now eager to obtain a further grant from the Duke of York, and at last got from that prince a conveyance of New Castle with a territory of twelve miles around it, and the land bounding on the Delaware, south to Cape Henlopen; not a rood of which belonged to the Duke to convey, nor was even in his patents, as Penn knew perfectly well. Satisfied now in mind, Penn came out with a body of colonists in 1682, and took possession of Upland, from which place he sent polite messages to Baltimore, asking an interview.

The interview took place in December. A protocol of the conference is preserved, and is a curious document. After various unctuous protestations of friendship and good-will, Penn proposed that Baltimore should determine his northern boundary by measuring two degrees of latitude north from Watkins Point. Baltimore replied that his charter gave him nothing by degrees, but fixed his northern boundary at the fortieth parallel, which was Penn's southern boundary. Penn then proposed a measurement from the capes, which were "anciently reputed to lye within the latitude 37° 5′." Bal-

timore said the simplest plan was to take a good instrument and fix at once the fortieth parallel; and then turning on Penn, asked him how it was that, whereas formerly Penn had told him that the Duke had offered him Delaware, and he had refused it because he knew it was Baltimore's, now he had taken possession of it? Penn begged that they might return to their former discourse. After wearisome iteration of his proposal to take a measurement from the capes, Penn broached a proposition which makes one suspect that he was not now so sanguine in his hope that all would do the thing that was just and honest. It was that Baltimore should take his southern boundary thirty miles lower, thus robbing Virginia of a strip of the narrow peninsula for the sake of giving Penn a tract reaching from the Delaware to the meridian of the first fountain of the Potomac. Naturally, Baltimore rejected this extraordinary suggestion, that he should not only rob himself, but break the eighth commandment and his charter for Penn's benefit, and the conference closed.

In May they met again. Baltimore again proposed an observation of the fortieth parallel, taken by a joint commission; Penn insisted on a measurement from Watkins Point. At last, being pressed hard to explain, if Watkins

Point lay in 38°, what advantage could be gained by measuring two degrees instead of taking at once an observation at 40°, the truth bolted out. By such a measurement, he said, "out of every degree he did not doubt but to gaine six or seven miles, and by that meanes to gett water at the head of Chesapeake Bay."

There was the secret. He wanted an outlet on the Chesapeake. In fact, he had pledged himself to his Society for Trade that the head of the bay was within his boundaries. Now if Baltimore would rob Virginia for his benefit, he would be most thankful; but if not, he would — gain six or seven miles to a degree, and "doe the thing that was just and honest," in that way.

The accession of the Duke of York as James II. now gave Penn the opportunity of showing his "power with his superiors," and the expediency of a *quo warranto* began to be urged. This process, however, took time, and, moreover, did not quite answer the purpose, for the *quo warranto* touched only the question of jurisdiction, and this Penn never possessed, nor at this time claimed, in Delaware, for which he had no charter but only a grant of land. So after repeated applications on Penn's part, the Privy Council, on November 7, 1685, reported that the peninsula should be divided between

the contestants by a meridian line running north from the latitude of Cape Henlopen.

The extravagant iniquity of this decision is apparent. In the first place, as has been shown, the phrase *hactenus inculta* was not a condition of the grant. Even had it been, there was no settlement upon the land when the charter was granted. And had it been otherwise in both cases, the grantor had himself explained his own grant, and declared that this phrase should not be construed to impeach or avoid it. But perhaps the most glaring iniquity lay in the double-dealing in the matter of the Dutch. When they did come later, they were not regarded as settlers, but lawless interlopers, and as such they were forcibly reduced by the English. In a word, when it was a question of dealing with the Dutch, they were no settlers but unlawful intruders; but when it was a question of robbing Baltimore to gratify a royal favorite, then the Dutch were settlers and their occupation valid.

James, however, did not press either the forfeiture or the division very urgently, having a charter or two to break on his own account, and notably the Great Charter of England; and meanwhile a writ was drawing by a mightier hand than Sawyer's, summoning him to answer by what warrant he disgraced the

throne of Alfred and Elizabeth; and in the stormy pleadings that followed, Penn's soft whisper passed unheard. Indeed, in 1689, Penn was arrested and imprisoned for a while under suspicion of being a Jesuit in disguise.

While all these matters were pending, the Proprietary was unfortunate enough to incur the severe displeasure of the crown in consequence of the rash and violent act of one of his officers. As early as 1669, Cecilius had appointed his nephew, Sir William Talbot, Chief Secretary of Maryland. Sir William had a kinsman, George Talbot, of Irish birth, who in 1680 obtained a large grant of land on the Susquehanna, at the time when Baltimore was anxious to get the northern part of his province settled. In 1683 he was Surveyor-General of the province; and in the next year, when Baltimore went to England, leaving his son Benedict Leonard, a minor, as nominal governor, with a commission of deputy governors to transact the business of the office, Talbot was at the head of these. He seems to have carried matters with a pretty high hand in the region about the head of the bay, where he built a fort not far from New Castle, garrisoned it with a band of Irish retainers, and behaved much after the fashion of a warden of the Scottish marches in the old border times, scouring about with a

troop of rangers to keep the Indians in check, and occasionally bullying Penn's settlers.

Nothing would have come of this, had not Talbot's hot Irish blood betrayed him to a deed of violence which had serious consequences. Collectors and excisemen have in all lands and times possessed a singular faculty of arousing the old Adam in all with whom they come into contact; and the movements of the royal revenue collectors in Maryland may be tracked through the records by wrath and execration. In one case we find the Council denouncing to the Lords of Trade the proceedings of one of these gentry, who went about "insulting over his Majesty's good subjects at a most prodigious rate, commanding their persons at his pleasure, and arbitrarily pressing and taking away their servants, horses, boats, and other necessaries." Another of the tribe, a certain Christopher Rousby, seems to have had more than the average share of the official characteristic, and to have been an arrant knave to boot. Baltimore complained of him to the King; and the collectors made the counter-charge that he was obstructing them in their duties, which brought down upon the Proprietary a sharp rebuke, and a demand for £2,500 said to be lost to the revenue from this cause.

In 1684 a ketch belonging to the royal navy

came to St. Mary's, where its captain indulged in carousings with Rousby and the other collectors, while treating the Provincial authorities with insolence. Talbot went on board the vessel, and while there a violent quarrel arose, the sequel of which was that Talbot stabbed Rousby to the heart. He was at once seized and ironed, and notwithstanding the efforts of the Council to have him tried in Maryland, he was carried off to Virginia and delivered to the rapacious Governor, Lord Howard of Effingham,[1] who treated all the remonstrances of the Marylanders with contempt. In his hands, Talbot's death was inevitable, unless he could offer a mighty bribe. But the Proprietary was anxious that his kinsman should have at least the chance of a fair trial; so he obtained an order from the Privy Council to have him sent to England.

But when the order, dated January, 1685 (N. S.), reached Virginia, the bird was flown. In the dead of winter, Talbot's devoted wife and two brave and faithful Irishmen of his retainers sailed down the bay in a little skiff and up the Rappahannock to a point near Gloucester, where he was imprisoned. Here they contrived by some device to effect the release of the

[1] A little later we find Howard intriguing with the Privy Council to have Maryland granted to himself.

prisoner, and carried him off in safety to his distant manor. The hue and cry was proclaimed throughout the Province; and so hot was the pursuit, according to local tradition, that Talbot was forced to secrete himself in a cave on the Susquehanna, where he was fed by two trained hawks which brought him wild-fowl from the river. However this may have been, he soon surrendered himself to the authorities, who, after some delay, delivered him to Effingham; probably not until they knew that the Privy Council had in August dispatched orders for him to be sent to England for trial. Effingham, disregarding this order, still kept him a prisoner, and in April, 1685, he was brought to trial and convicted. In the mean time the Proprietary had not been idle in his kinsman's behalf, and had obtained — possibly through the influence of Tyrconnel, but the relationship is mere conjecture — Talbot's pardon from the King in time to save his life. Little is known of his later history; but it is said that he returned to England, fought on the Jacobite side, and afterwards entered the French service and was killed in battle.

It must be confessed that the position of Baltimore during these years was a trying one. While he was in the Province, Penn and his abettors were intriguing against him in Eng-

land, and when he was in England both his friends and enemies in Maryland so acted as to bring his government under the suspicion of the crown. The revolution of 1688 but aggravated his difficulties. A sovereign of his own faith had shown no regard for his rights, and a Catholic Proprietary had but little to hope from an alien monarch who took the crown by revolution and because he was the hereditary foe of the Church of Rome, and who conceived that the stringent compact made with him by those who placed him upon the throne absolved him from all other engagements entered into by his predecessors.

At the same time, some change in the relations of Maryland to the mother country was unavoidable. The old indifference to colonial rights and interests still existed; but not so the old indifference to colonial dominion. England had now a continental policy and a great continental war on hand, the extent of which none could foresee, and which might involve a struggle between the French and English colonies in America. For this cause, if for no other, it was desirable that the colonies might be brought into some arrangement which would secure promptness and unity of action, if necessary. The Proprietary governments were now felt to be anomalies, which should be cleared out of

the way. Pretexts were near at hand: Penn, though a Protestant, and indeed an ultra-Protestant, had been a favorite of James; Baltimore, certainly no favorite of James, was a Romanist.

All things at this time seemed to conspire against Baltimore. Another collector was killed in the Province, and though it was merely in a private brawl, and the parties were brought to justice, it had a bad look. Discontents had arisen on account of certain laws, and about election matters. Mr. Joseph, President of the Commission of Deputy Governors who administered the Province during the absence of the Proprietary and minority of his son, was a foolish wordy man who had given offence by his Jacobite leanings, his high notions of prerogative, and by insisting that the Lower House, some of whose members he had good reason to suspect, should take the oath of fidelity a second time, which they refused to do. The news from England of the landing of William and the events which followed, kept men's minds in a state of excitement and uneasiness.

Upon the accession of William and Mary, Baltimore at once sent orders to have them proclaimed in Maryland; but the bearer of the dispatches died on the way, so that after proclamation had been made in Virginia and New

England, Maryland had not officially recognised the new sovereigns. This delay caused suspicion and anxiety among the colonists, many of whom were persuaded that it was intentional, and part of a popish or Jacobite plot. Another messenger was sent out with the proclamation, but the mine had been sprung before he arrived.

In March a rumor was started that the Catholics had entered into a conspiracy with the Indians to murder all the Protestants in the Province, and that large bodies of the savages were actually moving upon the settlements. At the mouth of the Patuxent those who were sent to inquire into the matter were told that a massacre of settlers had begun at the head of that river; and messengers being sent off in haste, found the people there arming, because they were told the Indians were attacking Mattapany. A number of the leading men, Kenelm Cheseldyn, Speaker of the Lower House, Colonel Jowles, and others, certainly most, and probably all, Protestants, investigated the matter, found it pure fabrication, and, to quiet the people, set their hands to a declaration that it was "nothing but a sleeveless fear and imagination, fomented by the artifice of some ill-minded persons, who are studious and ready to take all occasions of

raising disturbances for their own private and malicious interest."

This was in March, but in July, Coode, who was now a captain of militia, Blakiston, one of the collectors of customs, and a bitter enemy of Baltimore, and some others, suddenly appeared at the head of an armed force, and marched upon St. Mary's, which surrendered without resistance. Coode and his party now put forth a declaration of their motives for appearing in arms.[1] It is a string of general charges, without specific allegations, and some quite obviously false, in which the words "Papist" and "Jesuit" are made to do full duty; and particularly charges a popish plot to massacre the Protestants, with the help of the Indians. And this paper was signed, not only by Coode, but by Cheseldyn and others who had solemnly averred that these rumors were false and malicious. But Coode had fired their ambition. He now took the title of "General," and his followers were all to have high dignities and bask in the sunshine of royal favor.

The President and Council took refuge in a fort at Mattapany, on the Patuxent, where they were besieged by Coode, and soon surrendered.

[1] It was printed at St. Mary's, by Nothead, the printer of the Province, and is the earliest known document with a Maryland imprint.

Coode could not but know that what he was doing was neither more nor less than high treason, so he detained all vessels bound for England until he had had time to prepare an address to the King, in the name of the Protestant inhabitants of Maryland, declaring that they had taken up arms in defence of the Protestant religion, and to secure the Province to his Majesty. William, who was quick to see his interest, and never over-scrupulous, sent his approval of what they had done, but ordered them to await his further commands. Meanwhile the Associators called an Assembly, or at least part of one, opened correspondence with the other Provinces, and strengthened themselves as they could, but apparently did nothing to settle and establish the government.

Was this really an uprising of the people, or was it the work of a few factious spirits, the people at large not participating? It is not easy now to decide. On the one hand, if seven hundred men were in arms under Coode, as some say, and these were all Marylanders, that would intimate a pretty strong following. On the other hand, the Protestants at this time outnumbered the Catholics in the proportion of twelve or fifteen to one; and though it was all very well in their addresses to the King to talk of the oppression under which the Protestants

groaned, and the terror in which they lived, in the Province it must have been known that this was pure fiction. One thing, however, we must remember, and that was the isolated character of the settlements. It was easy to alarm the people of one place by reports of what was going on at another, and thus get a considerable force together for defence against purely fictitious dangers. It is on record that Coode's force came near disbanding in the march upon St. Mary's, and were hardly prevailed upon to keep together.

Addresses now went to England from all the counties — except, singularly enough, Ann Arundel, which would have nothing to do with Coode — expressing warm sympathy with the movement, and begging William to take the government into his own hands. Counter-addresses were also sent, declaring the charges against the Proprietary false, and Coode and his party a set of factious knaves; but the signatures to these are less numerous than to the others.

The fact is, that all these documents, on both sides, have a suspicious look. The anti-Coode addresses are pretty much copies of one another; those on Coode's side are not only in his clumsy and tumid style, but ring the changes on a set of pet phrases which occur in his own

letter. Add to this that a number of the signers (many of whom are marksmen) appear on both addresses. On the whole, it seems highly probable that both sets were drawn up at St. Mary's, and sent in haste to supporters in the counties, who procured such signatures as they conveniently could, and added themselves the names of persons whom they thought likely to be favorable.

For a while the Associators had things all their own way, and carried matters with a pretty high hand, commissioning officers, imprisoning not only Catholics, but Protestants who disapproved their lawless proceedings, plundering cattle and horses, and threatening to put to death all who opposed them. The loss of the records leaves us much in the dark as to the events of this time, but it does not appear that there was any bloodshed. They urged William — always writing in the name of the Protestant inhabitants of Maryland — to declare the charter forfeit; and William, who really can hardly be blamed for taking the people's franchises, when they seemed so eager to deliver them, needed no urging. In 1690 the Attorney-General was instructed to proceed against the charter, by way of *scire facias*. But this took time, and William applied to Chief-Justice Holt to know if he could not take the gov-

ernment into his hands without all this tedious waiting. Holt's reply must have caused that usually upright judge a twinge; it was to the effect that it would be better if an inquisition were held, and some forfeiture found; but as that had not been done, and the case was a pressing one, he thought the King might take the government, and the investigation, after the fashion of Jeddart justice, might be made afterwards.

So the King rose up and took possession, and in August, 1691, Sir Lionel Copley was made the first royal governor of Maryland. The Commissioners of the Privy Seal doubted the legality of Lord Holt's decision, and refused to confirm the commission without orders from the Council. In the *quo warranto* case the facts alleged could not be proved, and no judgment was obtained. But William, none the less, held fast to the Province.

A distinction was drawn between the Proprietary's sovereign and his personal rights. He had no longer any share in the government; public officers were appointed by the crown or its delegates, laws received royal confirmation, and processes ran in the name of William and Mary. But Baltimore's territorial rights were respected; he retained his quit-rents and his ownership of vacant lands,

his port-duty of fourteen pence per ton on all foreign vessels trading to the Province, and his one half of the tobacco duty of two shillings per hogshead. These duties were disputed by the Assembly, but the crown confirmed the Proprietary's rights. William coveted Baltimore's authority, and was jealous of his independence, but he did not covet his private property.

Thus Maryland, from a free Palatinate, was reduced to the condition of a crown colony; and the Proprietary, from being a prince little less than sovereign, sank to a mere absentee landlord.

CHAPTER X.

DOWN to this time the history of Maryland has been little more than the history of the Proprietaries and the charter, and of the attacks upon both, by foes external and internal. In fact, it could not be otherwise. The charter of the Province was the bulwark of the people's rights and liberties; all attacks upon them had first to be aimed at the charter, and whether the Proprietary in resisting these was acting from selfish or from magnanimous motives, he was equally fighting the battle of his colonists. Now they had, with their own hands, made a breach in their fortress, and henceforth they had to defend themselves against the crown of England, whose little finger was thicker than the loins of the Proprietary.

Maryland history, then, in the seventeenth century, is the history of attacks upon the rights of the Proprietary; in the eighteenth it is the history of invasions of the liberties of the people. Let us see who these people were, and how they lived.

In the first place they were a people of farm-

ers — planters, as they called themselves, the colonies being generally known in England as the Plantations. But great plantations and manors of over a thousand acres were comparatively few, and the law prevented the accumulation of vast neglected tracts in single hands. Plantations of from one hundred to a thousand acres were the rule. The colonist who brought over only his pair of stout arms, took up fifty or one hundred acres, and craftsmen twice or thrice as much. The prosperous settler might increase his holding for every servant,[1] male or female, he brought over, and when at the end of three or five years the servant became a freeman, his former master, by the custom of the country, gave him two suits of clothing, a gun, necessary tools, and a hog or two, and he might claim a farm of fifty acres by the conditions of plantation. Services were often paid in land; and we find a great planter on the Patuxent engaging a man to make the brick for his new mansion, and giving him a farm as part of his pay.

Everybody, high and low, thus living on his farm, towns could not grow. St. Mary's, the

[1] It has already been shown that though technically servants, these were by no means necessarily of a servile, or even a humble class, but that many of them were "persons of good rank and quality."

capital, and only town till near the close of the century, on its beautiful plateau in the arms of St. George's River, with a fine harbor in front, and land behind gradually rising almost to hills, seemed marked out by nature for the site of a prosperous commercial city; yet as late as 1678 it was hardly a town at all, but a settlement straggling along the shore for five miles, with not above thirty houses, and those "very mean and little, and generally after the manner of the meanest farm-houses in England." In most of the settled parts, there were "not fifty houses in the space of thirty miles."[1]

The reason of this was the Chesapeake Bay, which shaped the whole life of tidewater Maryland, and gave a special character to the people. That magnificent sheet of water, indenting the shores with innumerable river-mouths, coves, creeks, and inlets, gave the Marylanders boundless facilities for intercommunication, and made the town, or village, as a common rallying-point, unnecessary. The planter needed no port when ships from London or Bristol, Boston or Jamaica, brought wine, sugar, salt-fish,

[1] "St. Mary's never had more than sixty houses," writes one in 1835, "but the settlers call *town* any place where as many houses are as individuals required to make a riot; that is twenty." *Rec. Eng. Prov.* series VII.

English and Dutch wares to his very door, and loaded tobacco and maize at his own wharf. The town, St. Mary's, or later, Ann Arundel, was the place where the courts were held and public business transacted, but it was nothing more. The town, as a centre of political and social life, was not known in Maryland.

This state of things was further favored by the friendly relations with the Indians. The occasional attacks from the northern tribes were small affairs at the worst, only disturbing the outlying settlements. We hear of hog-stealing, and now and then of a murder by southern Indians, but the offenders were seized and handed over to justice by the "emperor" of the tribes, who was not merely in alliance with, but under the protection of, the colony, and the friendly relations remained undisturbed. There was no necessity for the settlers to huddle together for protection.

From this state of things it resulted that while the sense of individual freedom was strong, as it always is with those who live on and from their own lands, the political spirit that knits men together for a common purpose was weak. The disturbances in Maryland were never popular movements in the sense of being the acts of considerable bodies of men with a common grievance and a definite purpose; they

were the work of a few active spirits, who took advantage of the credulity which was born of this isolation. In one place they used a pretended Indian invasion, in another a projected tax, in another a popish plot, to awaken alarm, and for the same reason these inconsistent revolts met with but slight resistance. In fact there was no general grievance on which all could unite. The one exception, the over-production of tobacco, was serious indeed; but it was forced on them partly by circumstance, and partly by the avarice of the crown, nor was it a grievance peculiar to Maryland, nor one that any revolution was likely to redress until the upland country was settled.

The planter, living under a simple code of his own framing, unmolested in his religion, scarcely knowing the Proprietary, save as one to whose agents he paid light quit-rents and tobacco-duties, lived in freedom as he lived in the open air, unconsciously. Hence, violent political changes, as when the Parliamentary commissioners, and later the King, overthrew the people's franchises, were felt rather as invasions of the Proprietary's rights than of their own. The sense of political liberty was lost in that of personal freedom. It took the experience of the eighteenth century to show that the one grew from the other as the plant from its soil.

The same causes that hindered the growth of towns promoted local sociability and hospitality. Almost every plantation had water communication with its neighbors, and canoes, pinnaces, and light "pungies," the special bay-craft, were incessantly darting about. For land conveyance they had small wiry horses, many of which ran wild in the swamps and woods, and multiplied exceedingly. Carriages there were none; everybody rode, and if highways were scarce, bridle-paths ran everywhere. Planters who had no water-front brought down their tobacco by "rolling roads," where the cask, with an axle through it, and an ox or horse in a pair of hoop-pole shafts, was at once the load and the vehicle.

Nor need the planter think ruefully of the state of his larder if he saw a cavalcade coming through the woods, or a flotilla steering up to his landing. The forest swarmed with deer, turkeys, and pigeons; the creeks were alive with swans, geese, and ducks; fish of the most delicate kinds, with oysters and crabs, could be drawn in cartloads from the water at his door. Sheep there were few, on account of the wolves, but the herds of swine, fed with plenteous mast, and guarded by the valiant boars,[1] ran wild in

[1] We find in 1653 a double price set on "a great boar which defended the herd from the wolves."

the woods, each bearing its owner's registered mark. Cattle also were numerous, and ran partly wild. These were of a scrubby kind, probably, and no great milkers, if we may judge by the recorded name of "Five Pints" borne by a cow apparently as a title of honor. Wheat bread was not abundant, but there was plenty of hominy, pone, and the crisp hoe-cake. As there were but few mills, the corn had to be beaten in large wooden mortars, a laborious process. We find as part of the sentence of a prisoner that he shall "beat his own bread," and a dying man, leaving his children to the care of a kinsman, stipulates that they are not to be put to the heavy drudgery of pounding corn.

The want of mills was severely felt all through the seventeenth century, and was one cause why lands suitable for wheat and corn were given up to pasturage. To remedy this a law was passed empowering any one willing to erect a mill on a water-power, where the owner of the land would not or could not build one himself, to obtain a writ *ad quod damnum*, and take up twenty acres as a mill-site, a jury determining the amount of indemnity to the owner.

It is worthy of note that the five peculiar luxuries of the Chesapeake Bay, which now make its shores a kind of gastronomic Mecca,

seem not to have impressed our ancestors as they impress their descendants. Wild ducks are mentioned, but without discrimination, and nothing about them was considered remarkable except their numbers. We should have only inferential proof that they were eaten at all, but for a rather notable record of 1678, from which it appears that the Governor and both Houses of Assembly, having indulged freely in "Duck Py," conceived, from the serious consequences that followed, that they had been poisoned. Touching crabs and terrapin the records are silent; while the solitary reference to the oyster — affection for which mollusk has since developed into a specific cultus in the Bay region, *caeteris ostreosior oris* — is distinctively a note of depreciation. It occurs in the depositions in the Claiborne suit, where the islanders particularise as one of their hardships, that when their supply of corn was cut off they had perforce to eat oysters to keep from starving.

With all these good things of forest, field, and flood, what more could man desire?

The Marylander desired more, he desired abundant drink. This he made for himself, in the form of cider and perry, — persimmon-beer seems of later introduction, — but he also imported rum, "Dutch drams" (anise, rosa so-

lis, and other cordials), brandy, metheglin, claret, "Fyal," or canary, and sack. The name sack was given to both madeira and sherry, and it was a favorite beverage with our ancestors two hundred years ago, on whose modest dressers the silver sack-cup was often the sole piece of plate. In 1653 we find T. Wilford, in consideration of twenty thousand pounds of tobacco, covenanting to support Paul Sympson, for the rest of his life, "like a gentleman." Looking further to discover what were the needs of a Maryland bachelor gentleman, we find that he needed "a house fifteen feet square, with a Welsh chimney, and lined with riven boards; a handsome joined bedstead, bedding, and curtains; one small table, six stools, and three wainscot chairs; a servant to wait on him; meat, apparel, and washing; and every year one anker of drams, one tierce of sack, and a case of English spirits, for his own drinking." [1]

Mr. Sympson's modest cabin was of logs, and so were most of the houses. The wealthier planters, however, built of brick. The large,

[1] In 1669 ordinary-keepers charged ten pounds of tobacco for a meal, and sixteen pounds for a night's lodging. French brandy brought forty pounds per gallon, claret the same; English spirits, Dutch drams, madeira, and port one hundred pounds, and refined white sugar sixteen pounds, — tobacco being then worth twopence the pound.

highly-glazed, russet or chocolate-colored bricks, found in very old houses, were not, as is commonly supposed, imported from England, but made on the spot. It is doubtful whether a single house was built of imported brick. The brickmaker went to the intended site, hunted for suitable clay, and then and there made and burned his brick till enough were provided. Even now, in parts of the Eastern Shore, wherever we find an old brick house, or the site of one, we are pretty sure to find one or more circular shallow pits near at hand, from which the clay was taken,[1] and often traces of the ancient kiln.

Aristocracy proper there was none, and yet the society was aristocratic, that is, it was distinctly a society of families. The wealthier planters lived in greater style, had a larger house, more land, more servants, more of everything, except money, — nobody had any of that, — than his poorer neighbor; but this was pretty much all the difference in the seventeenth century. It is true that the lord of a manor had, in some cases, certain seigniorial rights; but these magnates were few and scat-

[1] The writer's attention was called to these pits by a gentleman who has made the early history of the Eastern Shore his special study. We find a contract for making brick as early as 1653, and still earlier mention of brickmakers.

tered. At first there was some disposition to make these a privileged class, and, as before said, in 1638–39 a bill was introduced providing that they should be tried before a jury of their peers, and that sentence of death upon a lord of a manor should be executed by beheading; but it never reached a third reading. The existence of African slavery, dividing the community into free and servile races, and the temporary servitude of convicts and redemptioners tended further to place all freemen on a level.

The farmstead of the small farmer was, on a small scale, what the plantation of his wealthy neighbor was on a larger. Both were, as nearly as might be, self-contained, and each was a little community. The family was the centre of all interest and devotion. As children grew up they helped to extend the area of cultivation, or married and settled on the land. Poor relations were prized and valuable members of the family, which prospered the more the more it increased. The young, penniless fellow who came over in 1634, by 1660 was a prosperous country gentleman, with broad acres around him, his sons' farms girdling his own, and his family connected by intermarriages with his neighbors for miles around. Nowhere was the marriage bond held in higher reverence than in tide-water Maryland; and, even now, Mary-

land is the only State in which no marriage is legally valid without some religious sanction.

Boundless hospitality was a matter of course.[1] Any guest was more than welcome, for at least he brought novelty, and news of the world outside; and perhaps if he had been at St. Mary's, and had talked with the captain of a Bristol ship, he could tell of the Dutch and French wars. Or perhaps he was an arrival from England, and at night, when all gathered around the hearth of blazing logs, and the candles of fragrant myrtle-berry wax were lighted, and the sack-posset or rum punch was handed round, he could give the ladies some scraps of the gossip of Whitehall or Hampton Court, or describe the fashions which yet live on the canvases of Lely and Kneller.

Two slight glimpses, by eye-witnesses, of life and society in Maryland, in the seventeenth century, are afforded by two writers, about a generation apart, who wrote from precisely opposite motives, with precisely opposite impressions, and in precisely opposite styles. One lauds Maryland to the skies as an earthly paradise, the other anathematises it as a purgatory, or worse. One writes in prose, which he tries

[1] "Planters' tables, you must know,
Are free to all that come and go"
Sot-Weed Factor (1660).

in vain to make poetical; the other in verse, which he has signally succeeded in making prosaic. A glance at each may help a little to fill up an outline which is but dim at the best.

George Alsop came out to the Province as a redemptioner, in 1658, spent four years on an estate in Baltimore County, and then, returning to England, published his "Character of the Province of Mary-Land," as an inducement to others to emigrate. The book is dedicated to Lord Baltimore, and may possibly have been published at his expense. The style alone is a curiosity. George evidently felt that he had undertaken a high task, demanding language of an altogether superfine sort; and his style may be characterised as Euphuism in a state of decomposition. "I think," he says, in his opening paragraph, "there is not any place under the Heavenly altitude, or that has footing or room upon the circular Globe of this world, that can parallel this fertile and pleasant piece of ground in its multiplicity, or rather Nature's extravagancy of a superabounding plenty. . . . So that those parts of the Creation that have borne the Bell away (for many ages) for a vegetable plentiousness, must now in silence strike and vayle all, and whisper softly in the auditual parts of Mary-Land, that *None but she in this dwells singular.*"

But, coming down to simple prose, we find that Maryland, or so much as he saw of it, was a land most plenteous in victual. Venison was so common a meat as to be in disfavor; and his master, Mr. Stockett, had at one time in his house, beside abundance of other provisions, "fourscore venisons," — a pretty liberal supply for a family of seven persons. Cows and horses are numerous, and wild hogs roam the woods in numbers that baffle conjecture. The forests teem with feathered game, and as for the waterfowl, they frequent the creeks and inlets in "millionous multitudes."

The toleration of the Province, and its effects, he paints in colors perhaps too flattering. "Here the Roman Catholick and the Protestant Episcopal concur in an unanimous parallel of friendship and inseparable love intayled into one another." There are no prisons, and hardly any offenders. "All villanous Outrages that are committed in other States, are not so much as known here: a man may walk in the open Woods as secure from being openly dissected as in his own house or dwelling. So hateful is a Robber, that if but once imagin'd to be so, he 's kept at a distance and shunned as the Pestilential noysomness." There are no beggars, nor ale-houses, nor idlers, and, "from an antient Custom in the primitive seating of

the place, the Son works as well as the Servant; so that before they eat their bread, they are commonly taught how to earn it."

The position of a servant in Maryland he paints in the brightest colors, as far superior to that of an apprentice or young craftsman in London; and as for women, they no sooner arrive than they are besieged with offers of matrimony, husbands being ready even for those whom nature had apparently marked out and predestined for lives of single blessedness. In one point he is at one with our other witnesses, and that is the astuteness of the planters in bargaining. Whether it be the operation of the salt water they have crossed, or the heat of the sun they live under, he will not undertake to determine, but they are "a more acute people in general, in matters of Trade and Commerce, than in any other place of the World, and by their crafty and sure bargaining do often over-reach the raw and unexperienced Merchant;" and he warns a correspondent that the factor he is about to send out must be "a man of a Brain, otherwise the Planter will go near to make a Skimming-dish of his Skull," — which seems to have been precisely the operation performed on our next witness.

And this witness, calling himself "Eben.

Cook, Gent.," gives us a broad caricature of some aspects of life in the Province, in a poem in rough, Hudibrastic verse, entitled "The Sot-Weed Factor," which relates his adventures during a trip to Maryland, in the year 1700, or thereabouts, in quest of a cargo of tobacco, or "sot-weed," as he splenetically calls it. Having landed at Pascataway Bay, amid a crowd of planters, "in hue as tawny as a Moor," and dressed

> "In shirts and drawers of Scotch-cloth blue,
> With neither stockings, hat, nor shoe,"

he takes a canoe, and is paddled over to the other side, where he is scared by the howls of a pack of wolves. Presently he espies a youth driving some cows home, who at once asks him from whom he has run away. In wrath, Master Cook lugs out his sword, upon which the youth apologises, and asks him to his father's house, where the old planter receives him with rude but kind hospitality, and presses him to stay all night. The supper-table is soon heaped with pone, mush and milk, cider-pap (small hominy boiled with cider), and hominy fried with bacon, or sweetened with molasses. Supper dispatched, the planter, remarking that his guest does not seem to relish their country fare, produces a keg of rum, and having refreshed himself by the simple process of drink-

ing from the bung-hole, invites Master Cook to follow his example, which he does so freely that he can scarce find his way to bed.

His slumbers are first disturbed by a quarrel between a dog and a pig, and then by an invasion of ducks and geese flying from a fox. In desperation, Master Cook leaves the house and tries to snatch a nap in the orchard, but frogs, mosquitoes, and snakes keep him from closing an eye. A breakfast on young bear's meat helps matters a little, and he starts off on horseback with a guide for Battle-Town, which he reaches without further adventure than meeting an Indian, much to his terror.

Here he finds the court in session, and a drunken crowd around, who presently are engaged in a general fight, from which the alarmed factor takes refuge in an inn, where he loses his hat and shoes, and finally his horse. But he finds a friend here in a planter of the better sort, or "cockerouse," as he calls him, — an Indian word for chief, — who invites him home "to take a bottle at his seat."

At the "ancient cedar house" he receives a hearty welcome and enjoys a sumptuous dinner of venison, turkey, wild ducks, and fish, washed down with ample bumpers of madeira, in which he indulges so liberally that he has to sleep off the effects under the trees, where he lies until

the chill of the evening, and catches a fever, as a matter of course.

Master Cook now thinks about disposing of his goods, and falls in with a Quaker to whom he sells the whole for ten thousand weight of good casked tobacco, then on board ship. Trusting the "conscientious rogue," he delivers the goods without getting the bills of lading, and the Quaker absconds, leaving the unlucky factor minus both goods and tobacco.

He next seeks the aid of a lawyer, with whom he goes to the provincial court at Annapolis,

> "A city situate on a plain
> Where scarce a house will keep out rain.
> The buildings framed with cypress rare
> Resemble much our Southwark Fair;
> But stranger here will hardly meet
> With market-place, exchange, or street,
> And if the truth I may report,
> 'T is not so large as Tottenham Court."

The court being assembled by tuck of drum, Master Cook's cause is heard, and he gets a verdict, but to his rage the court adjudges the payment to be made in "country pay,"

> "In pipe-staves, corn, or flesh of boar,
> Rare cargo for the English shore!"

In a fury he hurries off to the fleet and takes passage for home, leaving his malediction upon Maryland and all its inhabitants.

With all the simplicity and rudeness of this life, the people of tidewater Maryland, high and low, were singularly gentle. The records of the courts show an extraordinary absence of homicides, assaults, and other offences of a violent character. The code, imitated from that of England, with its whipping-post for theft, its ducking-stool for scolds, its pillory and ear-croppings for forgers and perjurers, its branding-irons for runaways, its tongue-borings for blasphemers, its gallows for murderers, was cruel in the letter, but mild in the execution. The pitiless savagery of English justice revolted the tender-hearted colonists, and commutation of the harsher sentences seems to have been the rule. For an instance: the only conviction for infanticide that we have noted in the records of sixty years was that of a wretched girl who gave birth to an illegitimate child in secret, which died shortly after and was privately buried by the mother. This concealment, under the sanguinary English statute, was proof presumptive of infanticide, and the girl was condemned to death. But the Council (sitting as a court) taking into consideration that the body presented no marks of violence, and its being wrapped in clean linen showed "a tender care and affection on the part of the mother," commuted the sentence to

a fine of 6,000 pounds of tobacco. Upon this her old father sent a pathetic petition to the Council, representing that he was wretchedly poor and already crushed with grief and shame, upon which the fine was reduced to 500 pounds, or between £4 and £5 sterling.

Or take another case: The opportunities for servants to run away and escape either into Virginia or to the settlements on the Delaware, were so many, that the laws punishing runaways were very strict. One Susan Frizell, who had run away and been recaptured, was condemned to a long additional term of service. But when she complained piteously of hard usage by her master and mistress, and showed the greatest terror at the prospect of falling again into their hands, the court was moved to pity and released her from their service. Justice, however, must be done in a court of justice, and they condemned her to indemnify her master to the extent of 500 pounds of tobacco, to earn which she would have to serve another master. Upon this several humane gentlemen present at once subscribed 600 pounds for poor Susan, and sent her away rejoicing, a free woman, with 100 pounds of tobacco, so to speak, in her pocket.

One ancient and peculiar institution of Maryland claims attention for its rarity if for no

other cause, and that is the manorial courts. We have seen that the charter gave the Proprietary the right to erect manors which should have courts-baron and view of frank-pledge. For a long time it was doubted whether this right was ever exercised; but recently two records of these courts have been brought to light.

The court-baron was a court held by the lord of the manor for the purpose of trying controversies relating to manor lands, trespasses, alienations, reliefs, metes and bounds, and other minor matters. Here also the tenant did fealty for his lands or received seisin. The view of frank-pledge, originally the inspection of all the resident freemen, and of the pledges or sureties which each had to give for his responsibility before the law, was afterwards merged in the court-leet or popular court, held usually by the steward or bailiff and attended by all the *resiants* or dwellers on the manor, which took cognisance of criminal offences. A jury heard the charges and fixed the penalty, usually a fine, which was afterward revised by the sworn *affeerers*, who reduced it if excessive. The leet also took cognisance of accidental deaths, and levied deodands.[1]

There is a record of a court-baron held at St.

[1] In 1637–38 we have record of a tree which, having fallen upon a man and killed him, was taken as a deodand.

Gabriel's Manor, in 1659, by the steward of Mistress Mary Brent. A tenant appeared, did fealty to the lady, and took seisin of a messuage of thirty-seven acres by delivery of a rod, "according to the custom of the manor," engaging to pay yearly "fifteen pecks of good Indian corn and one fat capon or a hen and a half; and for a heriot half a barrel of like corn or the value thereof."

There is also extant the original record of courts-baron and courts-leet held at St. Clement's Manor between the years 1659–1672. The cases tried are for assaults, appropriation of wild hogs, keeping unlicensed ale-houses, trespasses, thefts, and other small matters. The "King of Chaptico" is presented for pig-stealing — probably the only instance on record of the trial of a monarch by a court-leet. Metes and bounds are looked into, constables appointed, leases examined, reliefs upon alienation presented, and the doings of the Indians looked sharply after.

It is reasonable to suppose that on other manors also these courts were held; and the fact that the records were kept on the manors themselves, and not with the public records at St. Mary's, sufficiently accounts for their disappearance.

Another curious relic of antiquity was the

blood-ordeal. In cases of homicide or suspicious death, the body was sometimes laid out, and the suspected persons were summoned to advance, one by one, and lay their hands upon its breast. There was a general belief that at the touch of the murderer, the corpse would bleed; and possibly the dread of this may sometimes have helped to the discovery of the guilty. In 1660 this was tried in the case of a servant woman who died suddenly, and suspicion fell on her fellow-servants; but no issue of blood following the touch, the jury concluded that her death was "the act of God."

Negro slavery existed in Maryland from its foundation, but it did not assume any considerable proportions in this century. At the beginning of the next it rapidly increased, and the Treaty of Utrecht, in 1713, placing the *Asiento* trade in English hands, flooded all the colonies with negroes. At the time of which we are writing, laws of wholesome strictness regulated the relations between master and servant, and punished excessive severity. Some masters being unwilling to have their slaves baptised, lest the rite should carry manumission with it, the Assembly decided that this did not alter their status. The unnatural cohabitation of whites and blacks was regarded with just abhorrence; and a white woman who married a negro was

held to have renounced her race, and became the slave of the negro's master. All negroes in the Province were slaves for life. A law in 1695 imposed a duty of ten shillings per poll on all negroes imported, and this was raised to twenty shillings in 1704.

The status of the redemptioners (as they were called later) has already been explained. They were immigrants who, being unable to pay their passage to the Province, contracted with a London or Bristol merchant to serve for two, three, or four years after their arrival, either some specified person, or simply the assigns of the original contractor. In either case, if they disliked their employer they had the privilege of choosing another.

The labor, according to Alsop, who was one of them, was not severe; five and a half days in the week in summer, and in winter as much time as they pleased for hunting. At the end of their term of service, which was really an apprenticeship to colonial farming, they became freemen, had a year's provision, tools, and clothing from their masters, and could take up fifty acres of land. The women who came over in this way either went into domestic service or were taken to wife by the planters. The market for wives was brisk in 1660; and Alsop intimates that the bachelors of Maryland

were not disposed to be exacting on the score of personal comeliness. One of the most notable of these female immigrants was a niece of Daniel Defoe, who, finding the course of true love not running smooth in England, ran away and came to Maryland as a redemptioner. Her services were bought by a farmer of Cecil County, bearing the auspicious name of Job, whose son she afterwards married.

A more unpleasant class of immigrants was that of the convicts, or king's passengers, transported for seven or for fourteen years, according to the magnitude of the offence. The colony earnestly protested against their introduction, and imposed penalties upon the masters of ships who brought them; but when the charter was held in abeyance, all the protests were overridden. At a later date, numbers of these convicts were persons implicated in the various Jacobite plots, whose only crime was their loyalty to the house of Stuart. The "Palatines," or German fugitives from the Palatinate, who have stamped their character upon southern Pennsylvania, and enriched it with that singular tongue known as "Pennsylvania Dutch," did not enter Maryland in any numbers until toward the middle of the eighteenth century, and then they kept well away from tide-water.

In the seventeenth century there were no set-

tlements in the piedmont region. Outside the tide-water country, about the falls of the Potomac, the sources of the Patuxent and Patapsco, and around by the north to the Susquehanna, hovered the rangers, bands of adventurous men who loved the woodland life, and under the command of their officers did constant outpost duty, watching the Indians, taking up strayed or unmarked cattle, catching runaway servants and fugitives from justice, and examining all doubtful persons entering or leaving the Province by land. At a later date, when settlements had been pushed into the piedmont country, the place of the rangers was taken by the backwoodsmen, like the Cresaps, men of the forest, who lived more by the rifle than the plough, surpassing even the Indian himself in woodcraft and the arts of savage warfare, and who partly threw aside the customs of civilisation; men who wore the Indian dress, and sometimes even the Indian paint; who carried tomahawk and knife as well as the unerring rifle, and displayed the scalps of savage foes with all the pride of a Cayuga brave; and whose glory it was to be mistaken for Indians when they made their rare visits to the lower settlements.

Towards the latter part of the century the growth and prosperity of the Province were

somewhat checked. A murrain came upon the sheep and cattle, and was followed by a severe epidemic among the inhabitants. The Church Establishment with its taxation rendered the Province unattractive to all who were not of that faith. Tobacco bore so low a price in England that the planters were much distressed, and yet they were debarred by the Navigation Acts from seeking any other market. They had some small intercolonial trade with New England, sending corn, beef, pork, and lumber, and getting return cargoes of rum, fish, and wooden-ware; and this trade might be carried in native bottoms; but so thoroughly had the Acts stifled ship-building, that as late as 1721 the Provincial shipping amounted to no more than two brigs and about twenty sloops large enough to go outside the capes, and this at a time when more than a hundred English ships were loaded in Maryland every year.

CHAPTER XI.

In 1692 Sir Lionel Copley, the first royal Governor, arrived in Maryland, and the Convention, as the self-appointed ruling body styled itself, handed over the government to him. After appointing a Council from the leading spirits of the Associators, he convened an Assembly, with Cheseldyn as Speaker, whose first act was to recognise the title of William and Mary, and to thank them for deliverance from "a tyrannical Popish government under which they had long groaned." This was the stereotyped phrase which had done duty for fifty years, unchallenged; but in 1701 the Hamlets of the Assembly were called upon to reckon their groans, and specify the grievances of the Proprietary government which had oppressed them so cruelly. They specified four, of which one was false, namely, that the port-duty on tobacco was really a fort-duty and belonged to the Province; and two were franchises, not grievances, namely, that the Provincial laws did not need to be sent to the crown for confirmation, and that there was no appeal to Eng-

land from the Provincial courts. As for the oath of allegiance, the absence of which they felt so acutely, the Act imposing it had been abrogated by the Parliamentary commissioners, not by the Proprietary; and the oath was, anyhow, superfluous, as the charter declared all the inhabitants of the Province to be in allegiance to the English crown.

However this might be, the Assembly of 1692 were thoroughly minded that others should have cause for groaning; and their second act was to make the Protestant Episcopal Church the established Church of the Province. The Act, though somewhat modified at times, continued in the main the same down to the Revolution. It divided the ten counties into parishes, and imposed an annual tax of forty pounds of tobacco per poll on all taxables for the purpose of building churches and maintaining the clergy. In 1702 it was reënacted with a toleration clause: Protestant Dissenters and Quakers were exempted from penalties and disabilities, and might have separate meeting-houses, provided that they paid their forty pounds per poll to support the Established Church. As for the "Papists," it is needless to say that there was no exemption nor license for them.

We may now place side by side the three

tolerations of Maryland. The toleration of the Proprietaries lasted fifty years, and under it all believers in Christ were equal before the law, and all support to churches or ministers was voluntary; the Puritan toleration lasted six years, and included all but Papists, Prelatists, and those who held objectionable doctrines; the Anglican toleration lasted eighty years, and had glebes and churches for the Establishment, connivance for Dissenters, the penal laws for Catholics, and for all the forty per poll.

In fact an additional turn was given to the screw in this year; the oath of "abhorrency," a more offensive form of the oath of supremacy, being required, beside the oath of allegiance; and for one thing, no Catholic attorney was allowed to practise in the Province.

This increase of severity was due in part to fright. The dismissal of Marlborough, and the formidable preparations of Louis XIV. to invade England and reinstate James, caused deep but smothered excitement throughout the Province. Those of Jacobite leanings began to lift their heads once more and predict that great things would happen in May; and the catch-word that "the man should have his mare again," was often in their mouths. The French and their Indian allies were threatening Albany, and the Governor of New York made an urgent

appeal for help, which Maryland answered with a gift of £100 sterling, but could send no men, as there were rumors of parties of French and "naked" (*i. e.*, Canadian) Indians hovering about the head of the bay. But the battle of La Hogue freed the Province from one of these terrors, and the Indian scare died out of itself.

Governor Copley, who had been for some time in ill health, died in 1693, and after a brief and violent interval of Sir Edmund Andros, Francis Nicholson, late Governor of Virginia, succeeded to the office. As in Virginia he had transferred the capital to Jamestown, so in Maryland he summoned his first Assembly to meet at Annapolis,[1] and this action was the knell of St. Mary's. The inhabitants of the ancient city petitioned in vain; their remonstrance was met with coarse scorn, and the capital was permanently fixed in the more central city on the Severn.

Whatever disaffection this or other acts of the Governor excited, found a ready mouthpiece in the reprobate Coode. This unsavory person had been elected to the Lower House in 1696, but Nicholson refused to qualify him, on the ground that he was in priest's orders.

[1] In 1683 an Assembly met "at the Ridge in Ann Arundel County," and there was talk of removing the seat of government to that place.

The Delegates replied that he had discarded the clerical character, and had already sat as a burgess, in 1681, though under the cloud of a criminal prosecution. Nicholson told them that once a priest was always a priest, and rebuked them for selecting a man of such notorious and flagitious life and conversation. In fact, in throwing off the clerical habit Coode seems to have renounced religion, morality, and even common decency; he was a blatant blasphemer, railing openly at Christianity and the Bible; he had raised a fund to build a church, and appropriated great part of it; and on one occasion he was so drunk and disorderly during divine service that Governor Nicholson caned him with his own hand.

Filled with rage, he now tried to hatch a plot against the Governor, getting to his side two or three of the baser sort, setting afloat the most scandalous, and even incredible, stories of Nicholson's licentious life, and bragging that "he had pulled down one government, and could pull down another." But his influence was gone, and he could get no following; disaffection itself being ashamed to acknowledge such a leader. The grand jury indicted him, and he escaped, with a few unclean birds of his own feather, to the usual city of refuge for Maryland malefactors, Virginia, where Andros seems

to have secretly protected him; at least, on Nicholson's application for his arrest, Andros, instead of sending the sheriff, issued a proclamation, which Nicholson sarcastically compared to the light-houses on the Barbary coast, lit, not as beacons for distressed mariners, but as signals to the corsairs. In 1701, on his abject petition, Coode was pardoned, and we may suppose brought some show of decency into his life, as he sat in the Assembly as Delegate in 1708, the clerical disability being apparently overlooked.

Nicholson may have been an immoral man, as his enemies alleged, with singular circumstantiality of detail, but he was not a small man; and for one thing he was distinguished, —his zeal for education. He had founded William and Mary College in Virginia, and he was no sooner well settled in Maryland than he urged upon the Assembly the establishment of free schools. The Assembly concurred, and in 1696 King William School was founded at Annapolis, Nicholson himself contributing generously; and an export duty was laid on furs for the maintenance of this and other schools.

The novelty of a Church Establishment met at first with great opposition. Only a small minority of the population were members of the Church of England. The Dissenters, Quakers,

and Catholics opposed it on religious grounds, and the indifferent were hostile to it because of the tax. The Act not specifying the quality of the tobacco to be levied, the forty-pound payment was made in the worst "trash," so that the few clergymen in the Province came near starving, and there was no encouragement for others to come. Fortunately for the Church, Compton, Bishop of London, to whom the condition of affairs was reported, selected as Commissary of Maryland Dr. Thomas Bray, a man with something of the apostolic character, who entered on his task with ardor, and devoted nearly all his fortune, as well as his personal labors, to building up the Church. He bought and sent out parochial libraries; he secured missionaries and sent them over; he came over at last in person, and lent his aid to the Assembly at a critical juncture.

In 1696 a law for the Establishment was passed in the Province, repealing all former enactments, but containing also a clause that the colonists were entitled to "enjoy their rights and liberties, according to the laws and statutes of England." All laws had now to be sent to the King for confirmation, and Nicholson warned them that this would be rejected, as it contained a provision alien to its title. The King refused his assent, as Nicholson fore-

told, and the Established Church of Maryland was established no longer.

At this time Bray came out, and helped the Assembly to frame such a bill as the King and Council would approve. But this bill contained a clause providing that the service of the Church of England should be used in every place of worship in the Province, thus destroying the meagre toleration that had been conceded to the Dissenters. However, the Attorney-General disapproved Bray's bill, and one of a less stringent nature was finally passed.

More pleasant to remember are Dr. Bray's efforts for the reformation of the clergy, whose lives seem not to have been altogether exemplary. He held a visitation at Annapolis in 1700, disciplining offenders, exhorting the lukewarm, and putting the Church into order, and though he soon after returned to England to revisit the Province no more, his exertions had placed the Episcopal Church in Maryland on a firm foundation.

In fact the position of the Church was somewhat anomalous, through the whole colonial period. It was an Established Church but not a State Church. The Bishop of London was looked on as the diocesan of the colonial Church, apparently from the fact that many of the members of the Virginia Company had

belonged to his diocese, and the Bishop of that day was a member of the company. But he had no legal ecclesiastical jurisdiction, as was decided by the law-advisers of the crown, and the Church was a missionary Church. The patronage, advowsons, and so forth, in Maryland, were given by the charter to the Proprietary, and it rested with him or his representative to induct any incumbent. In 1725 Bishop Gibson received a patent from George I., authorising him to exercise spiritual jurisdiction in the colonies; but it was directed to him personally and not as Bishop, and expired with his life, though subsequent Bishops exercised the same or similar authority, apparently more by allowance than right.

By this time a contest had begun which seemed to be a mere dynastic quarrel, but which in its issues involved the most momentous questions of modern times. The question which of the descendants of Charles V. should sit on the throne of Spain, led straight to that other question, whether North America was to be French or English, and indirectly to that still greater question, whether it was to be English or American.

There had been border-fighting on the northern frontier through most of William's reign, and, to the shame of civilisation, the savages

were brought in as allies on both sides, the Five Nations being the allies of the English, and the Algonkin tribes of the French. The northern colonies bore the brunt of the war, and they appealed to the southern for aid. In 1694 the King wrote to Nicholson, fixing the quota of men and supplies which Maryland was to furnish. So now, in addition to the Church establishment, Maryland was saddled with crown requisitions as the second blessing of royal government.

We may note just here the beginning of the weaning process that at last was to alienate Maryland from the mother-country. Down to this time all discontents, all irritations, all suspicions, were directed against the Proprietary government, as that with which the people came into contact, and the King and Parliament were regarded as powers of pure beneficence, longing to fold the Province to their cherishing bosoms. The thongs of their shield, the charter, chafed the arms of the colonists, and they knew not from what blows and wounds it protected them, until they had thrown it away.

The Navigation Acts were violations of the charter; but the people had grown used to them, and partly evaded them by smuggling. The colonies had never enjoyed the benefits of

free commerce and ship-building, and hardly knew what they missed. The crown had always claimed the right to regulate commerce, and even when that right was stretched so as to cripple their industries and load them with indirect taxation, the people bore the burden almost as patiently as do their successors, with less reason, at the present day. The rapacity and insolence of the royal collectors were felt as personal irritations, and not as the fault of the system. But now, in the forty per poll and the crown requisitions, the colonists distinctly felt the immediate pressure of England's heavy hand. The rift was started, and wedge after wedge was to be inserted, until taxation for revenue, writs of assistance, the Boston Port Bill, and the statute of Henry VIII., should rend the empire in twain.

For the present, these requisitions, though not squarely refused, met with steady opposition. They had to pass the Assembly, as they were nominally free gifts, not impositions, and the Assembly was always ready with difficulties: the Province was too poor to pay, or the defence of the Canada border did not concern Maryland, or Maryland had all she could do to provide for her own defence. At a later date the opposition was still more stubborn, as will be shown in its proper place.

The peace of Ryswick, in 1697, suspended this grievance for a time. While it relieved the colonists from requisitions and Indian scares, it also gave King William one of the few opportunities he enjoyed of turning his thoughts to the amenities of peace. He had, it seems, a "volary," or as we should now say, an aviary, at his beloved Loo, which he was desirous to enrich with specimens from his transatlantic dominions, and so wrote to the Governor for a collection of Maryland birds. Nicholson directs the sheriffs of the several counties to make known, especially among the poorer people, the King's desire, and to collect "mock-birds, blue-birds, Baltimore birds, black birds with red wings, and all sorts of deer and other beasts of curiosity," among which, we may suppose, the opossum, the flying-squirrel, the raccoon, and the prophetic ground-hog, would not fail to be included.

Nicholson had written to the Lords of Trade asking for a general pardon for the inhabitants of Maryland, for what reasons is not now very plain. The Lords replied, expressing willingness on behalf of the crown, but asking what kind of a pardon was needed. The Governor laid the letter before the Delegates, who answered with spirit that "they were not conscious that the Province labored under any

guilt, and therefore humbly conceived that they had no need of pardon." Nicholson took this in high dudgeon, and told them that they were the first body of people that ever refused their King's mercy, and that since their hearts were so high, he should proceed to exact various forfeitures which he had thought of remitting; but they kept firm to their determination to accept no pardon where they acknowledged no offence, and the King's peace returned to him again.

Notwithstanding the fact that the scruples of the Quakers about bearing arms, or even contributing to the support of those who used the carnal weapon in their defence, sometimes brought them into collision with the authorities, they found Maryland a safe and desirable harbor. In 1661 there were so many in the Province that they had settled meetings. In 1672 their founder, George Fox, paid Maryland a visit and attended a large meeting at West River in Ann Arundel County, which lasted four days, and in the same year another in Talbot which lasted five, showing that the sect must have had a pretty numerous following. In 1674 they petitioned to be relieved of the obligation to testify in court, asking that their "yea, yea, and nay, nay, wherein we double the words to give them more force,"

might be accepted as the equivalent of an oath; but their petition was rejected, though at a later date they were allowed to affirm instead of swearing in judicial matters. In 1695 they were equally unsuccessful in an application to be relieved of the parish dues. The public levy, the quit-rents, and the forty per poll were the *trinoda necessitas* from which there was no exemption.

In 1696–97 a murrain broke out among the sheep and cattle destroying great numbers, and this was followed by an epidemic of some sort among the people, during which the Roman Catholic clergy incurred the wrath of the Assembly by their visitations of the sick, Protestant as well as Catholic, their charitable actions being attributed to a desire to make converts. A mineral spring in St. Mary's County was found to have highly beneficial effects, so it was bought by the Assembly and made a public sanatorium, and huts were built near it for the accommodation of the poor. Nicholson sent a supply of Bibles for their use, and engaged readers to read them and other books of devotion to the sick. By October the epidemic had disappeared, and a public thanksgiving was held.

This pious and charitable act of Nicholson's was almost his last in the Province. On Janu-

ary 2, 1698–99, he was transferred to the government of Virginia, and gave up his office to Nathaniel Blakiston, an amiable man and generally acceptable; but ill health compelled him to resign his position in 1703 to John Seymour.

The administrations of Blakiston and Seymour present but few events of interest. Shortly after the accession of Anne in 1702, war broke out again between England and France, and the usual border fighting and consequent requisitions followed. French cruisers entered the Chesapeake, doing some damage to the plantations, and even threatening Annapolis. Pirates also, among whom was the redoubtable Captain Kidd, infested the coast, to the great damage of intercolonial commerce, and constant complaints were made, whether true or false, that they were aided and protected by the Pennsylvanians. Several were captured in Maryland and sent to England for trial, until a commissioner was sent over to establish courts of admiralty in Maryland.

One Richard Johnson, commander of a brigantine, performed an exploit worth remembering, in 1704. His vessel was captured off Martinique by a French privateer, and he was made prisoner. On the voyage to France, he, with another Englishman, surprised the crew, threw the captain overboard, and got possession

of the privateer, which the two brought safely to Maryland, where she was condemned, and we trust the gallant fellow received a liberal share of prize-money.

It seemed to be the theory that whenever there was war with France, the small body of Roman Catholics in Maryland were ready to help the French side. Had this been the case, one could hardly blame them, for certainly a government that treated them as aliens and probable traitors had small claim to their allegiance; but as matter of fact there is no evidence that there was the least disloyalty to England among them. Yet this war gave excuse for further severities against them. It was made a crime punishable with fine and imprisonment for a priest to say mass, or exercise any priestly function; and any member of the Church of Rome who should teach, or even board young persons, was to be sent to England for prosecution. Children of Catholics were encouraged to forsake their parents' religion. A duty of twenty shillings per poll was laid on all Irish papists brought into the Province.

The same duty was laid on negroes, who now began to be imported in considerable numbers, not from the West India islands, as heretofore, but directly from Africa. In 1712 it was esti-

mated that there were 8,000 negroes in Maryland, out of a total population of 46,000 souls.

The long life of Charles, third Lord Baltimore and second Proprietary, was now drawing toward its close. He had had many trials, but perhaps the bitterest was still in store. He had held firm to his father's faith, although his steadfastness had reduced him from a prince to a mere absentee landlord, and was likely at any time to reduce him to a beggar. The fast failing health of the childless Anne, on whose death England would have to choose between the lineal heir to the throne and a petty German prince of alien habits and speech, with nothing but Protestantism for a recommendation, stimulated the hopes and activity of the Jacobites, raised still higher the hostility of the Whigs, and embittered all animosities against the Roman Catholics. Baltimore's son and heir, Benedict Leonard, saw this, and reversing the policy of his great-grandfather, publicly renounced the Roman faith, and attached himself to the Church of England.

Upon this, his angry father withdrew the yearly allowance of £450 which he had granted him, so that Benedict was obliged to live and educate his six children — formerly educated in Catholic seminaries on the continent, at their grandfather's charge, but now

placed at Protestant schools in England — out of his wife's settlement. In these straitened circumstances he appealed to Queen Anne, who granted him a pension of £300 during his father's life, and, at his request, appointed John Hart as Governor (Edward Lloyd, President of the Council, having acted *ad interim* since Seymour's death in 1709), who allowed Benedict £500 per annum out of his emoluments.

Upon the accession of George I., in 1714, Benedict laid these facts before the new sovereign, solicited a continuance of his pension, and the renewal of Hart's commission, which the King very willingly granted. On February 20, 1714–15, Charles, Lord Baltimore, died, at the age of eighty-five, and Benedict Leonard succeeded to the title and estates. But he had hardly been recognised as Proprietary, when he also died, on April 5, 1715, and his son Charles, a minor, succeeded to his title and rights, as fifth Lord Baltimore, and fourth Proprietary.

As the charter still stood firm, and the Proprietary government was only suspended by the crown on William's pretext that it was unsafe in Catholic hands, with the accession of a Protestant that pretext was no longer tenable, and, on the petition of Lord Guilford, Charles's guardian, the King, "to give encouragement

to the educating of the numerous issue of so noble a family in the Protestant religion," restored the government to the youthful Proprietary, after twenty-three years of abeyance. Lord Guilford at once assumed the administration in the name of his ward, and Hart was recommissioned as Proprietary Governor. Theoretically this placed Maryland where she had been in the days of Cecilius, but in reality the Palatinate government, like the Abbot of Abingdon, had

"Had a knock of a king, and incurable the wound."

CHAPTER XII.

THOUGH the relations of the Province and people to the Proprietary government were now legally and nominally the same that they had been under Cecilius, in reality the status was altogether changed. In the first place, there was no fundamental difference of faith between the Proprietary and the great majority of his colonists, and the former fears, suspicions, and incitements to revolt were at an end. There might henceforth be Catholics and Protestants in the Province, but not a Catholic and a Protestant party. In the second place, the reinstatement of the Proprietary seemed tantamount to a confirmation of the charter. These facts tended to strengthen the Proprietary's power. On the other hand, almost a generation of royal government, the increase of population and wealth, the youth of Baltimore, even the very fact that he could have no partisans where he had no adversaries, nor reap the benefit of personal loyalty when that did not conflict with loyalty to the crown, — these all tended to make the change one of

form rather than substance, and henceforth the career of Maryland does not greatly differ from those of the other colonies.

One noble legacy the royal government had left, as almost its last act and parting gift to the Province. The laws had fallen into much confusion, with abrogations, alterations, expirations, and reënactments, and for some time the crown had been urging their thorough revision. In 1715 this was done by the Assembly, and a body of laws framed, which may almost be called a code, and a copy of this code was sent to every county. So satisfactorily was the work done, that it remained, broadly speaking, the law of the Province, and, fundamentally, the law of the State, almost to our own times.

As we have seen at the beginning of this sketch, the colony was at all times inclined to hold on to the common law of England, nor was any very sharp distinction drawn between the common and the statute law as applicable to those cases in which the Provincial law was silent. But how far the statutes of England were pleadable in the Provincial courts, was a point on which there was much dissension at various times; the Upper House and the Proprietary preferring that if there were any extension of the English statutes to Maryland, it

should be restricted to such as were most suitable to the Province, or least infringed upon his chartered rights; while the Lower House, on the other hand, wished to introduce the whole, or to leave the power of selection to the courts.

In 1722 an act was passed recognising the extension to the Province of an English statute, in opposition to previous decisions of the Provincial Court; and, at the same session, a series of resolutions was adopted by the Lower House, defining the attitude of the Province toward the English law, and the relations of the people to the mother-country. They planted themselves at once on their rights as free Englishmen, and on the letter of the charter, declaring that "this Province is not under the circumstance of a conquered country; that if it were, the present Christian inhabitants thereof would be in the circumstance not of the conquered, but of the conquerors, it being a colony of the English nation, encouraged by the crown to transplant themselves hither, for the sake of improving and enlarging its dominions; which, by the blessing of God upon their endeavors, at their own expense and labour, has been in great measure obtained;" and that, "whoever shall advance that his Majesty's subjects, by such their endeavors and success, have forfeited any part of their English liberties, are ill-wishers

to the country, and mistake its happy constitution.

"*Resolved* also, that if there be any pretence of conquest, it can be only supposed of the native Indians; which supposition cannot be admitted, because the inhabitants purchased great part of the land they at first took up from the Indians, as well as from the Lord Proprietary, and have ever since continued in an amicable course of trade with them, except some partial outrages and skirmishes, which never amounted to a general war, much less to a general conquest; the Indians yet enjoying the rights and privileges of treaties and trade, of whom we frequently purchase their rights of such lands as we take up, as well as of the Lord Proprietary.

"*Resolved* further, that this Province hath always hitherto had the common law and such general statutes of England as are not restrained by words of local limitation, and such acts of Assembly as were made in the Province to suit its particular constitution, as the rule and standard of its government and judicature." And they further declare, that those who maintain the contrary "intend to infringe our English liberties, and to frustrate the intent of the crown in the original grant of this Province." And to show that this was meant

as a solemn Declaration of Rights, they placed it on record that these resolutions grew out of no present irritation or apprehension, "but were intended to assert their rights and liberties, and to transmit the sense thereof, and of the nature of their constitution, to posterity."

The Upper House refused to concur in these resolutions, and the Proprietary dissented from the Act, but these words were of the kind that do not die. They led to a contest between the Houses which lasted for years, and ended in a virtual triumph for the Lower House. The acts and usages of the Province were to be its code; but where these were silent, the laws and statutes of England, as practised within the Province. Thus, without abandoning their right to self-government, they secured for themselves the benefits of the English law so far as it suited them. Nothing better shows the temper of the Marylanders, or illustrates the ignorance and blindness of the English fifty years later, who talked of "our subjects in America," and were amazed at the exasperation of the Americans at finding themselves treated as men who had somehow forfeited their birthright by extending the British empire beyond the seas. It needs but these resolutions to explain what Burke calls the "fierce spirit of

liberty" which sprang up in answer to the attempt to lay a tax upon the colonists by a body in which they were not represented.

The Jacobite party in England had many well-wishers in Maryland, and their presence gave rise to almost as many fears and suspicions as were rife in the mother-country. Knowing this fact, they kept quiet for the most part, but could not always check the rashness and folly of some. On the night of June 10, 1716, the Pretender's birthday, some hot-headed youths, one of whom was a nephew of Charles Carroll, Lord Baltimore's agent, got possession of the cannon of the fort at Annapolis and fired a salute. Governor Hart succeeded in having the offenders arrested and imprisoned, whereupon Mr. Carroll, stretching the very extensive powers he had or claimed, released his nephew. The whole business brought about much bad blood.

The proceeding was all the more foolhardy that in England the party had made their great stroke and failed. The rising under Mar and Derwentwater, in 1715, had terminated in disastrous defeat. The hands of the crown were loaded with prisoners, and the very doubtful policy was adopted of sending them to the colonies; much to the discontent of the provincial legislatures, who thought they had already

trouble enough with their native Jacobites, without any alien reinforcements, and moreover strongly objected to having the provinces converted into penal settlements. Two shiploads of these prisoners, mostly Scotchmen, were sent over to Maryland in 1717, and they were allowed to choose between indenting themselves as servants for seven years, and being sold for the same term of servitude. Their lot was probably not so hard as it sounded, nor was the Province the worse for the presence of men whose only fault was fidelity to a hopeless cause and an unworthy chief. Some charitable persons, perhaps of Jacobite leanings, purchased several and set them free, which they were allowed to do on giving security for their good behavior and continuance in the Province.

The years which now followed were among the least eventful in Maryland's history. Governor Hart was removed, and succeeded by Charles Calvert, uncle of the Proprietary; and on his death, in 1726, Lord Baltimore's brother, Benedict Leonard, was appointed. Ill health compelled his resignation in 1731, and he sailed for England, but died on the voyage. His successor was Samuel Ogle.

One important event marks this peaceful time, and that was the foundation of Baltimore. Maryland had never taken kindly to towns,

and though in Queen Anne's reign, in conformity with the royal wish, a number were founded, the reluctant Assembly "erecting" them by batches — forty-two at once in 1706 — scarcely any passed beyond the embryonic stage. The land might be surveyed, staked off in lots, and offered for sale; but if people would not buy and build, what could be done? The "port," solemnly invested with rights of entry and clearance, remained a mere landing-place and loading-wharf. The county-seat had its court-house and jail, its stocks and pillory, but their attractions were insufficient to lure the planter from his home embowered in trees, in the midst of his broad acres.

St. Mary's and Annapolis, the one waning as the other waxed, remained the only real towns of the colony for the first ninety years of its existence. Joppa, on the Gunpowder, was the next, and had a fair share of prosperity for fifty years and more, until her young and more vigorous rival, Baltimore, drew off her trade, and she gradually dwindled, peaked, and pined away to a solitary house and a grass-grown grave-yard, wherein slumber the mortal remains of her ancient citizens.

Baltimore on the Patapsco was not the first to bear that appellation. At least two Baltimores had a name, if not a local habitation, and

perished, if they can be said ever to have rightly existed, before their younger sister saw the light. There was a Baltimore laid off on Bush River in Baltimore County in 1683, and another in Dorchester County, ten years later, but the records are dumb as to their history and no stone marks their sites.

In 1729, the planters near the Patapsco, feeling the need of a convenient port, made application to the Assembly, and an act was passed authorising the purchase of the necessary land, whereupon sixty acres bounding on the northwest branch of the river, at the part of the harbor now called the Basin, were bought of Daniel and Charles Carroll at forty shillings the acre. The streets and lots were laid off in the following January, and purchasers invited. The water-fronts were immediately taken up, which shows that the first settlers were looking to advantages of shipping rather than habitation. The harbor was excellent; and though hills, gullies, and marshes bordered the town on three sides, probably none of the founders of Baltimore imagined a time when it would be straitened in its original sixty acres, when it would drain its marshes, tunnel its gullies, and partly level and partly climb its rocky hills.

Any one looking at a physical chart will see that Baltimore is a meeting-place of many

things. It lies at the head of tide-water, or junction of the foot-hills with the plain; at the junction of the granite, gneiss, and slate with the deposits of gravel, clay, and iron ore; at the junction of the region of oaks, chestnuts, and beeches with that of pines and magnolias. Its mild climate, with a mean annual temperature of 54°, and its exemption from the epidemics that visit the ports to the south, make it in these respects the most favored of all cities on the Atlantic seaboard. Yet it grew but slowly at first, and in twenty years had only about twenty dwellings and perhaps one hundred inhabitants.

While the order of the Privy Council in 1685 had settled the question of Maryland's eastern boundary by dividing Delaware between the Proprietaries, the northern boundary still remained undetermined. It is true that there was no conflict between the grants in this respect, that of Penn assigning the parallel of 40° as his southern boundary, as it was Baltimore's northern; but Penn's persistent refusal to join Baltimore in fixing that parallel had kept the matter still unsettled. After his death, in 1718, his sons, now joint proprietors, renewed their father's tactics, and by some unexplained means obtained from Charles, Lord Baltimore, in 1732, a written agreement by

which he yielded all that they demanded, and presented them with two and a half millions of acres of territory to which they had not even the shadow of a claim. The boundary line was to be drawn northward through the middle of the Delaware peninsula, and tangent to a circle twelve miles from New Castle, thence north to a point fifteen miles south of Philadelphia, whence it should run due west so far as the provinces were conterminous. Commissioners were to meet on both sides to fix the points.

Baltimore came out to Maryland in person in 1732, appointed his Commissioners, and two attempts were made to have a meeting at New Castle, but the business was frustrated by the non-attendance of the Pennsylvanians. Baltimore now proposed a meeting at Joppa, but this was refused.

Baltimore, however, now had his eyes opened to the immense sacrifice he had made, and he tried to fortify his position by applying to George II. for a confirmation of his charter, despite the phrase *hactenus inculta.* Such a confirmation, in the fullest form, had already been given by Charles I., as has before been shown; but probably the House of Brunswick did not consider itself bound by the promise of a Stuart. This phrase, however, in whatever manner construed, only affected the Penns' claim

to Delaware; and the northern boundary could have been run in conformity with both charters, but for Baltimore's voluntary and inexplicable surrender of his rights without reason or compensation.

The unsettled state of the boundary led to disturbances between the Provinces which continued for several years. The Palatines, or German immigrants originally from the Palatinate, some fifty or sixty families of whom had taken up land in Baltimore County, were persuaded by the lures of exemption from militia duty and the forty per poll, to declare their allegiance to Pennsylvania and refuse to pay taxes to Maryland. Sheriffs on both sides summoned posses and made inroads into the debatable territory, arresting and carrying off prisoners; houses were attacked by armed bands, and men on both sides beaten or dragged off to prison. Sheriff Buchanan, of Lancaster County, with a party, enters the house of a Dutchman, one Loughman or Lachmann, a Marylander, and beats him unmercifully. His wife interposes, and the discourteous sheriff beats her, until Lachmann consents to go with him as his prisoner. But on the way they meet five Dutchmen, who, seeing the plight of their countryman, set on the sheriff, rout his posse, and carry him off into captivity.

One of the boldest of the Maryland partisans was Thomas Cresap, a stout borderer and good fighter, against whom the wrath of the Pennsylvanians burned hot. At one time a party burst into his house, with brandished weapons, threatening to burn the house and hang him. At another time a larger party surrounded his house, set it in flames, and fired on the inmates as they tried to escape. In this affray one man was killed and several wounded, among the latter Cresap himself, who was borne off in triumph and lodged in the jail at Philadelphia.

Governor Ogle, after in vain trying to have Cresap released, ordered the arrest of a dozen of the ringleaders in this business, which was done by a party of Marylanders. Proclamation answered proclamation, sheriffs' posses alternately harried the country, adventurous men led forays, and a state of border warfare prevailed which unfortunately has found no poet, or at least none in the English tongue.

By 1736 the state of affairs on the border had grown so alarming that the Governor and Assembly laid the matter before the Proprietary and the King, entreating the intervention of the crown, which was given by an order in Council commanding both sides to keep the peace, and enjoining the Proprietaries to grant no lands in the disputed territory until the

boundary had been adjusted. To put an end to all the confusion and deray, the governors of the two Provinces agreed to run a provisional line which should be held as a valid boundary between the settlers actually in possession, until the line should be finally determined by a decision of the English Court of Chancery.

"King George's war," as was appropriately styled the war with France which sprang out of the Austrian succession, and into which England was dragged rather than entered, had little effect upon Maryland. The colony suffered some disturbance, and more alarm, from the doings of the French and Indians, and sent three companies to Albany to coöperate in a conquest of Canada, which was not to be till later. As usual, there was a crown requisition for money in a rather more plausible form than usual, for it was to pay the Maryland forces temporarily, until Parliament could foot the whole bill. The Assembly, politely but firmly, told Governor Ogle that they had raised the troops, provisioned the troops, and transported the troops, and that that was all that they proposed to do; and this he had to take for his answer.

At this time, we are informed that the population of Maryland was about 94,000, and 36,000 negroes; that iron mines and furnaces were operated, and pig-iron shipped to Eng-

land, in addition to the usual staples of tobacco, corn, furs, and lumber; that the annual export of tobacco was about 28,000 hogsheads, and that the export of wheat was about 150,000 bushels.

In April, 1751, Charles, the fifth Lord Baltimore, died, and was succeeded by his son Frederick, the sixth and last Baron, a degenerate scion of a noble stock, a selfish and grasping voluptuary, who cared only for his Province, which he never visited, as a source of revenue for his pleasures. He added his name to the list of noble authors by an indifferent book of travels, and came near adding it also to the list of noble criminals, by figuring as the traverser in a discreditable trial for felony, of which, however, he was acquitted. The previous Proprietaries, either by personal presence in the Province, or by thoughtful care for its welfare, had established claims on the affection of the people; but Frederick had done neither, and thus the severance of the tie of personal loyalty to the Proprietary loosened another of the filaments that bound the people to England.

CHAPTER XIII.

AND now we approach the second driving of the wedge that was to detach Maryland from the mother-country. The colonists owed their prosperity, under Providence, to nothing but their own resolution and industry, and England had only meddled with them to despoil them of their territory, to hamper their commerce for her advantage, or to demand their money for her treasury, leaving them, in other matters, to sink or swim as best they could. The ostrich, who leaves her young to shift for themselves, is not usually regarded as a model of maternal tenderness; yet the ostrich does not straitly limit the foraging-grounds of her offspring, or make requisitions on them for a share of their hardly-won sustenance. Yet, despite all irritations, the attachment to England was still deep and strong. This was partly due to filial piety toward the ancient home of the race, the venerable mother-land whose speech, institutions, and traditions of freedom they had transplanted to the western world, and partly to reliance on England's protection. The parent

might be harsh, cold, negligent, and exacting; but in case of danger it was believed that her mighty arm would interpose to shield her children. They had yet to learn how far the measure of her help would be meted by her own advantage, and how far, in this case also, they must rely on themselves.

The peace of Aix-la-Chapelle, in 1748, was in reality nothing but a truce, and none knew this better than the high contracting powers themselves. It was simply a breathing-while before the struggle for the possession of the Continent began in earnest. Had other old and recent grudges been lacking, an inevitable *casus belli* lay in the conflicting claims to the lands west of the Alleghanies. England claimed the breadth of the continent from the Atlantic to the Pacific; France, in virtue of the discoveries of Cartier and La Salle, claimed the lands drained by the St. Lawrence and Mississippi and their affluents. It was evident that the line of demarcation would have to be drawn by the sword some day.

France was prompter in action, and Galissonière's plan of a chain of military posts linking Canada with Louisiana began to be realised with a rapidity that naturally alarmed the English, who compared it to a net which, when complete, would gather them all into its bight

and sweep them into the sea. In 1753 the cordon reached from Montreal to the Rivière aux Bœufs, in Pennsylvania, and it was plain that if anything was to be done, there was no time to be lost. An English trading association, called the Ohio Company, had already begun to build a trading-post at the confluence of the Alleghany and Monongahela, and Governor Dinwiddie of Virginia now sent out a force under the command of Major George Washington to strengthen it with fortifications that should hold the French in check. But before he could reach the fort it had already been taken by the French, who fortified it, garrisoned it strongly, and named it Fort Du Quesne. Washington, learning that a French force was advancing to attack him, threw up hasty defences, but was compelled to surrender and leave the French strongly planted on the Ohio.

Before this, Dinwiddie, thoroughly awake to the danger, had represented to England the necessity for vigorous action, and had addressed letters to the other provinces, especially Pennsylvania and Maryland, which were most endangered, asking their aid and coöperation.

As all this series of events is of extraordinary interest, and had momentous and far-reaching results, it is allowable to treat it somewhat in

detail, for which the records of the time and the MS. letter-books of Governor Sharpe afford abundant material.

Sharpe laid the situation before the Assembly, asking substantial help, but was met by a dogged reluctance to vote money. He accounts for their general perverseness on the ground that the shortness and frequency of sessions made gentlemen of means and standing shun the inconveniences of membership, "by which means there are too many instances of the lowest persons, at least those of small fortunes, no soul, and very mean capacities, appearing as representatives." To the Lower House he was still bland and courteous, but a quarrel was evidently brewing. The Delegates declared their willingness to grant £6,000, provided part might be raised by a tax on ordinary licenses; but this, as invading the Proprietary's revenues, Sharpe would by no means consent to.

Things were in this state when the news of Washington's surrender came like a thunderbolt. The consequences were easy to foresee, and the settlers near the Ohio began to think of abandoning their homes. News came from New York that the Canada Indians, the fiercest and most cruel of all, were taking the war-path. Again Sharpe urged the danger, and again the

men of no soul planted themselves on the license-tax. Sharpe yielded, and the Lower House scored one. He now began to raise a force, the command of which was given to Captain Dagworthy, a very efficient officer. A fort had been built, shortly after Washington's surrender, by Colonel Innes and the independent companies at Wills Creek, near the site of the present city of Cumberland, and named Fort Cumberland in honor of the "Butcher of Culloden," and this served as an outpost of defence. Washington having resigned his commission in consequence of an order from England, making officers with crown commissions outrank all provincial officers, a commission was sent out to Sharpe, who was a man of military training, appointing him commander of the provincial forces at Fort Cumberland.

He at once hastened to Annapolis and convened a new Assembly, before whom he laid the situation. As Virginia had voted £20,000 for a defence-fund, and New York £5,000, it was to be hoped that Maryland would not be slack, but would provide for an active campaign in the spring. His hopes, however, were by no means sanguine, for he knew his men; and brooding with gloomy anticipations over the question of ways and means, he dropped a seed in his letters to England, which was to

bear memorable fruit. The main difficulty was to devise some plan for raising money independent of the Assembly, yet which would not infringe the Proprietary's rights nor diminish his revenue. Such a plan he thought he had found in a stamp-tax. England was to send out stamps of various denominations, to be affixed to all documents of legal value, the proceeds of the sales to be applied to the defence of the colonies.

The Lower House, as he had expected they would, raised difficulties on the supply question. They were willing to increase their £6,000 to £7,000; but not satisfied with concession on the subject of licenses, they had now another condition. In 1733 there had been an emission of £90,000 in paper currency, with a provision for its gradual conversion and redemption, and of this in 1754 some £4,000 remained unredeemed; so the Delegates took the ground that the unredeemed bills had all been lost or destroyed, and therefore a new issue to that amount would not increase the sum originally intended for redemption. They accordingly coupled their vote with a proviso that of the £7,000, four thousand should be an issue of paper money. Sharpe refused to sign such a bill, so again there was a deadlock, and he prorogued the Assembly in despair. There

was no difficulty, however, in raising men; but as for supporting and paying them, Sharpe thought that nothing could be done unless Parliament would pass a law compelling the colonies to support their own troops, — a device on which he brooded until it became a fixed idea with him.

General Braddock arrived in February, with a thousand regulars and a train of artillery, and took the command in chief. Sir John St. Clair had arrived before, and with Sharpe had surveyed the country of future operations, and descended the Potomac by water to see how far it was navigable. All were now full of confidence that with a brave and experienced commander, with a force of invincible British regulars as the nucleus of an army of volunteers, their troubles would soon be at an end; while the Governor indulged some hope that the Assembly would be less impracticable, and the Assembly, that the expenses of the campaign would be borne by England.

But new troubles were in store: Braddock's men in their march carried off servants, wagons, and horses, and the complaints of the farmers highly exasperated the Assembly. Braddock, too, was disposed to find fault that no joint fund had been raised by the colonies for their defence, and was by no means content with the

explanation which the assembled governors gave, that they could raise no money but by the consent of their Assemblies. He could not see why more drastic measures should not be used.

Braddock's march was slow, as he advanced in Roman fashion, making a road as he went. The movements of the Assembly were also slow, though their chief business was to frame a supply-bill that the Governor was certain to reject. But the Indians, who needed neither roads nor supplies, were prompt in action, swooping down on the unhappy settlers in Frederick County, burning their houses and killing or carrying off the inhabitants, while the army was accomplishing its two miles a day. The Assembly, on the distress and danger being forcibly represented to them by Sharpe, provided £2,000 for a body of rangers to hover on the frontier, but was most interested in reviving the penal laws against the Catholics (to which Sharpe, to his honor, would not consent) and in a petty quarrel about a custom-house appointment. And this was on the 8th of July, when Braddock was almost in sight of Fort Du Quesne, which he was fated never to see.

The news of Braddock's disaster did not reach Annapolis until the 15th of July. The

Assembly had been prorogued, and Sharpe hurried off for Fort Cumberland, where he found all in consternation. The settlers were flying in all directions, and many had sought shelter in the fort. Dunbar, with the remains of the army, had taken refuge there, but instead of making a stand, he announced his intention of retiring to Philadelphia, thus leaving the whole frontier defenceless; and nothing that Sharpe could say could change his purpose.

Sharpe tried to put some heart into the frightened people, and ordered a line of small stockades built, while he placed Fort Cumberland in charge of Major Dagworthy and a party of provincial troops, who were supported by private subscriptions.

But the French and Indians ranged pretty much at their pleasure. Happily for the colonies, the garrison of Fort Du Quesne, on the conviction that all danger in that quarter was now over, had nearly all been summoned north to meet the expected attacks at Niagara and Crown Point; while the Indians, according to their custom after a successful expedition, had disbanded and gone home. But there were enough left to commit outrages which spread terror through the western settlements. Mangled bodies of tortured men were found in the woods; farm-houses were burned and families

murdered, and parties of rangers cut off. The country was a desert west of Conecocheague, and Sharpe believed that all the land beyond Fredericktown would soon be abandoned. The Shenandoah was now the western frontier of Virginia.

As a specimen of the kind of tidings which came in from day to day, take an extract from the "Maryland Gazette," of October 9th:—

"By a person who arrived in town last Monday, from Col. Cresap's, we are told that last Wednesday morning the Indians had taken a man prisoner who was going to Fort Cumberland from Frazier's, and had also carried off a woman from Frazier's plantation, which is four miles on this side Fort Cumberland. The same morning they fell in with a man and his wife who had left their plantations and were retiring into the more populous parts of the country; they shot the horse on which the man rid, but as it did not fall immediately, he made his escape; the woman, it is supposed, fell into their hands, as neither she nor the horse on which she was riding have been since seen or heard of. The same party of Indians have also killed or carried off Benjamin Rogers, his wife and seven children, and Edmund Marle of Frederick County. On Patterson's Creek many families have within this month been murdered, carried away, or burnt in their houses, by a party of these barbarians, who have entirely broke up that settlement."

What was Frederick Lord Baltimore doing all this time? The burden of his letters, to judge from Sharpe's answers, consisted of four notes: to find good places for favorites whom he sent out; to see that his rents and revenues were collected and remitted promptly; to keep a sharp eye on the Roman Catholics, and to send him Maryland partridges and dried rattlesnakes.

When the spring opened, the Indian ravages were more ferocious than ever. Washington, who had superseded Dagworthy in command at Fort Cumberland, sent to Dinwiddie moving pictures of the general terror and distress, and declared that in a few days, unless something was done, there would not be fifteen families left in Frederick County.

In May the Assembly met and the supply question again arose. The House was willing to consent to a bill, provided the Proprietary's manors were taxed and a double tax laid on the Catholics; and provided also that all the other colonies contributed. As there was then no hope of the Pennsylvanians doing anything, Sharpe was in despair; but at last they receded from their third condition and prepared a bill which the Governor signed, excusing himself to his lordship on the ground that unless something was done without delay, the whole

Province west of the bay might be depopulated, and that it was better to pay a tax on his manors than lose half his revenues and his manors to boot. So the delegates scored another point. Possibly they might not have made their single concession, had not the enraged settlers of Frederick County threatened to march upon Annapolis, with Cresap at their head, and compel them to come to terms.

As for the treatment of the Catholics, it was the old story. Every Catholic was supposed to be inclined to befriend the French, and to rejoice in secret at the calamities of the Protestants. Sharpe was a thorough Protestant, and probably shared to some extent the prevalent suspicions; but he was an honorable man, and neither for the Proprietary nor the Delegates would he calumniate the innocent. He tells Lord Baltimore that the papists are only one twelfth of the whole population; that they are nearly all of the better class, and that their conduct is above reproach; nor does he see any ground for suspecting them. As for the double tax, he sees no objection to that.

Less fortunate were the hapless Acadians, who had the double misfortune of being French as well as papists. In their cruel deportation from Nova Scotia in 1755, five shiploads were sent to Annapolis, where they certainly were

not wanted, and thence distributed among the different counties. Their lot was hard: though subjects of Great Britain, they were treated as prisoners of war; yet without the prisoner's hope of exchange or release. People would not employ them, and yet were irritated at their wretchedness and destitution. However, here and there they found humanity; and among those who befriended them, Henry Callister, a merchant of Oxford, Talbot County, deserves honorable mention. He forwarded an address on their behalf to the King; he petitioned Governor Sharpe for them, and he gave large sums from his own pocket to relieve their sufferings, to the serious impairment of his own very moderate fortune.

The bill which the Assembly passed provided for a sum of £40,000, to be employed in building forts, raising troops, securing the alliance of the southern Indians, and paying bounties on Indian scalps. Bills of credit were issued, and a sinking fund for their redemption provided by additional taxes and duties. Among these was a tax on bachelors, as men who were derelict in a citizen's first duty at a time when it was most imperative; though, with some inconsistency, there was no provision for exempting Catholic bachelors.

With that irrationality which always at-

tended colonial affairs, while all these things were going on, and war, in various forms, was raging from the Niagara to the Potomac, England and France were nominally at peace. The formal declaration of war was received in Maryland on July 18, 1756, and welcomed with great rejoicings, probably in expectation that England would now put forth her full strength in behalf of the colonies, and open her purse liberally.

As Fort Cumberland was too remote and isolated to be of any service, and as stockade forts were too easily burned, Sharpe built a substantial fort of stone near the site of the present town of Hancock, which he named Fort Frederick, probably as a double compliment to the Proprietary and the heir-apparent to the crown, and garrisoned with about two hundred men, under Dagworthy. This was all the more necessary that the flight of the Pennsylvanians had left the northern as well as the western frontier of Maryland exposed.

Governor Shirley of Massachusetts had been the commander-in-chief since Braddock's death, but he was now superseded by Lord Loudoun, who came over in the summer, and, at the request of the latter, Sharpe convened the Assembly in September. England had advanced a considerable sum for distribution among the colonies, and this, far from inspiring the As-

sembly with liberality, made them still more inclined to refuse supplies.

In 1757 the small-pox was raging in Annapolis, and the Assembly met in Baltimore town. They now proposed to raise supplies by taxes on all real and personal estate, the Proprietary's rents included, and on all offices and professions, the people to appoint the assessors. Furthermore, as if bent on exasperating Loudoun as well as the Governor, they undertook to say where the troops that his lordship was about send to the Province should be quartered. Loudoun heard all this with indignant astonishment, and reported it duly to England. Sharpe was now in hopes that Parliament would interfere directly, and "ease the Assembly of the trouble of framing supply-bills by making some for them," in which case he begs to recommend a poll-tax as the most acceptable to the people, and, at the same time, the most equitable, men in the Province usually having servants in proportion to their means.

To the Governor's immense disgust, the Lower House even assumed the right to summon his secretary before them and interrogate him about the doings of his Excellency and the Council. Sharpe rebuked them sharply for it; but who could tell where these things would end? Nay, an impression seemed to be grow-

ing that the Upper House was no part of the constitution at all.

After much angry brooding over the atrocious behavior of "these wretches," as he calls them in his private letters, wherein he can vent his spleen and vexation freely, he came to the conclusion that the Delegates were not merely stingy and captious, but that they were carrying out a deep-laid scheme to undermine the Proprietary government. Had they squarely refused to pass supply-bills, they would have lost popularity with their constituents; but by clogging them with such conditions as they knew the Upper House would have to refuse, they hoped to throw the odium of their rejection — five were rejected in eighteen months — on the Upper House and the Governor, and in England the blame would be laid on the Proprietary government, which might thus be overthrown.

He unbosomed himself freely on the subject, not only to the Proprietary, but to William Pitt, then Secretary of State, and to other persons high in authority. And yet, while defending the Proprietary government, with some inconsistency he still harps on his fixed idea of an Act of Parliament, and even sends a draft of such an Act. Yet, after all his pains in explaining the situation, the unkind-

est cut of all came in a dispatch from Mr. Pitt, not rebuking the Delegates for their outrageous conduct, but blaming both the Houses, which the Delegates construed into an admission that they were in the right.

It was fortunate for Maryland at this time that the tide of war had drifted to the northward, where it was evident that the decisive struggle was to be. Fort Du Quesne — though they did not know it — was held by a bare handful, and the frontier hostilities were confined to mere "scalping parties," — horrible enough, it is true, but which gained no military advantage.

The imbecile Loudoun was superseded in 1758 by Lord Amherst, and command of the troops at the south was given to General Forbes, a good soldier, whose special part in the triple attack that was preparing was the reduction of Fort Du Quesne.

The Delegates held firm to their former obstructive policy, and no supply-bill was passed; so Forbes, unwilling to lose the garrison at Fort Cumberland, took it into the King's pay. Nay, they went a step farther, and declared that the Governor had no power to order the militia to march, except in case of actual invasion, nor were they disposed to consider anything an invasion short of an advance of the

enemy to the east of Fort Frederick. Sharpe had to rely on volunteers, whom he had no difficulty in getting, and of good quality; and men were found who would furnish supplies, and take the precarious chance of repayment by a future Assembly. The Delegates were more liberal to a party of Cherokees who offered their services, and proved of much value as scouts, and also brought in a number of scalps, for which they were paid at the rather high rate of £50 per scalp.

The march on Fort Du Quesne began in June, — not by Braddock's road, but by a new one which Forbes had constructed from Raystown. An advanced party, under Major Grant, was surprised and cut to pieces, the Maryland detail losing about half their numbers, and the expedition seemed to be a failure, when Forbes learned from deserters the actual weakness of the garrison, and pushed rapidly forward, upon which the French abandoned the fort, after setting it on fire, and retreated down the Ohio.

This success, which relieved the whole Province from dread, so far affected the Assembly that they appropriated £1,500 to the Maryland troops engaged in the expedition; but there their generosity halted, nor would they give any help toward the northern campaign, save on their own impossible terms.

However, this went on without their aid, and the surrender of the French forts on the Lakes — Ticonderoga, Crown Point, and Quebec — decided the fate of North America.

The attitude of the Delegates during this long struggle has been viewed by historians in widely different lights. Some have discerned in it nothing but selfish niggardliness which, deaf to the voice of humanity, and blind to the growing danger, would have seen all the western settlements sink in blood and fire, and the French lines advanced to the Potomac, rather than loosen its purse-strings.

Others, again, give the Lower House credit for a far-seeing statesmanship, for a heroic spirit of liberty, and a Roman patriotism which would place them among the wisest and noblest of mankind, not only above all their contemporaries, but on a loftier pinnacle than Burke or Chatham.

To the present writer the truth seems to lie between these extremes. The Delegates certainly grudged all expenditure of money, not only the extraordinary expenses of war, but the ordinary levies and disbursements of peace. Their petty and constant bickerings about trifles with the Upper House, their narrow bigotry toward their Romanist fellow-citizens, show a spirit far removed from magnanimity, and many

of their favorite ideas, such as the re-issue of the bills of credit, prove that their statesmanship, in many points, had not passed the rudimentary stage.

But, in their defence, it must be said that the Province was not wealthy, and these expenses were a heavy burden. They felt that the war was really England's war, on whatever side of the Atlantic it was waged, and thought that if they furnished the men England ought to find the money. Nor can we much blame their constant jealousy and suspicion of the Upper House. They had no cause to feel respect or affection toward the Proprietary; and as the Upper House, far from being an estate like the peers in England, was composed of his appointees, bound by their oath to protect his interests, the Delegates were naturally disposed to see in them only his creatures and parasites. Had Frederick had the soul of Cecilius or Charles, he would have devoted a large share of his revenues to the defence-fund, and there would have been no talk of taxing his manors, nor would the principle have troubled any man.

At the same time, as a fair plant may spring from a rough and unbeautiful seed, so ideas of freedom began to spring in men's minds from the discussion of these material questions. It was not the Spanish Inquisition, but Alva's

taxes, that roused the Netherlands to revolt; yet their heroic patriotism has justly won the admiration of the world. The men who resisted a war-tax because it was burdensome, were the fathers of the men who resisted a tea-duty because it violated their liberties.

The long-standing boundary dispute between Pennsylvania and Maryland was settled in 1760, by an agreement between Lord Baltimore and Thomas and Richard Penn, on the basis of the agreement of 1732. Commissioners were appointed on both sides, and the surveys made. The eastern boundary was run from a point central between Cape Henlopen and Chesapeake Bay, till it touched the western arc of a circle of twelve miles radius, whose centre was the centre of the town of New Castle, and thence due north to a point fifteen miles south of Philadelphia.

The Cape Henlopen mentioned above was not the present cape so called, but a spot about twenty-three miles farther south. What machinations or falsifications were used to persuade Baltimore that the cape referred to was not the one which had borne that name, as Herman's map shows, long before Penn's acquisition of Delaware, and has borne it ever since, — but "False Cape," which is no cape at all, — we cannot now see. The contrivers of

such things are usually too modest to give their modes of working to the public. Frederick protested against the fraud; but Lord Hardwicke, who, though sitting as a judge in equity, seems to have considered his office merely "ministerial" wherever the Penns were concerned, decided that the agreement of 1732 must be carried out.

The northern boundary was also established, in part. Charles Mason and Jeremiah Dixon, two eminent English mathematicians, were employed by the Proprietaries to determine all those parts of the boundaries that had not yet been completed. They began operations in 1763, and, having determined the starting-point, or northeastern angle of Maryland, proceeded to run the parallel westward. By 1767 they had carried it two hundred and forty-four miles from the Delaware River, when they were stopped from further advance by the Indians. These boundaries were marked by milestones, every fifth stone having the arms of Baltimore on one side, and those of the Penns on the other; and, where the conveyance of hewn stones was not practicable, by cairns. This line is the famous Mason and Dixon's line, separating the Northern from the Southern States.

CHAPTER XIV.

THE treaty signed at Paris, on February 10, 1763, while it gave Great Britain all North America east of the Mississippi, yet left her heavily burdened with debt. As this debt, in England's eyes, had been largely incurred on behalf of the colonies, it was but equitable that they should bear a portion of it; and as they had manifested a troublesome and insubordinate temper throughout the war, and there seemed to be audacious notions of their rights and liberties growing up among them, which could not be checked too soon, it was as well that they should feel the pressure of England's heavy hand.

The gradual encroachments of England upon the franchises of the colonies, and especially upon those of Maryland, under the pretence of the regulation of trade, have already been sketched. Her policy of compelling the colonies to deal with herself alone, had deprived them of commerce, and a series of petty and hampering restrictions prevented or stifled the growth of manufactures. But all this time, as Burke

says, England "pursued trade and forgot revenue;" and the colonists, despite occasional irritations, felt that the exactions to which they were subjected, though more oppressive, did not essentially differ from those borne by Englishmen in the mother-country. Like those, they regulated their own affairs, taxed themselves, and submitted to excises and restrictions that England's trade might thrive; for as England was their one great customer, England's wealth was their profit. As Burke has finely put it: "America had the compensation of your capital which made her bear her servitude. She had another compensation, which you are now going to take away from her. She had, except the commercial restraint, every characteristic mark of a free people in all her internal concerns. She had the image of the British Constitution. She had the substance. She was taxed by her own representatives. She chose most of her own magistrates. She paid them all. She had, in effect, the sole disposal of her own internal government. This whole state of commercial servitude and civil liberty, taken together, is certainly not perfect freedom; but comparing it with the ordinary circumstances of human nature, it was a happy and a liberal condition."

But with this policy of administering Amer-

ica for England's benefit alone, and favored by the patience with which America acquiesced in this policy, there had grown up in England a changed feeling toward the colonists. They were no longer honored as heroic adventurers, as in Elizabeth's time, nor respected as enterprising planters, as in the time of the first James. Liberty, the proud right of self-government, was still the Englishman's birthright, but the Englishman across the Atlantic was an Englishman with a difference. The veriest cockney who had never travelled out of hearing of the chimes of his beloved Bow, talked of "our subjects in America;" and because the colonists had no representation in Parliament, it was fancied that the crown might deal with them as it pleased.

So now the old and wise, if selfish, policy was to be abandoned, and a revenue raised from the Provinces. The Act of 1764 imposing port-duties sounded the note of the change by the statement in the preamble that it "was just and necessary that a revenue should be raised in America." At first this ominous word created no alarm: the colonies were used to port-duties, the objection raised was that they had not the money. But now Grenville looked about for a new source of revenue, and the one he fixed upon was the stamp-duty

which Sharpe had suggested. Now the eyes of the colonies were opened, and remonstrances went up to the crown, but these were scornfully rejected and not even laid before Parliament.

When the news of the passage of the Stamp Act (March 22, 1765) reached America the whole country was thrown into agitation. The Maryland Assembly was not in session, and the Governor, who knew their temper, seemed determined by continued prorogations to prevent opposition from that quarter.

This, however, did not prevent the great question of the day from being freely discussed, and the "Maryland Gazette," the only newspaper in the Province, threw open its columns to all who had anything to say about it. Excitement soon mounted to fever heat, and when Mr. Hood, a Marylander, who, while in England, had been appointed stamp-distributor for the Province, arrived at Annapolis, he was received with fierce insult and outrage. He was flogged, hanged, and burned in effigy in several towns, and as this vicarious correction had no effect upon him, his house in Annapolis was torn down, upon which, in alarm, he fled to New York. Sharpe wrote to Lord Halifax saying that it would be impossible to protect Hood without a military force, and that he be-

lieved the stamps (which had not yet arrived) would be burned if any attempt were made to land them.

Sharpe also wrote to General Gage at New York, asking his protection for Hood, but it was unavailing. Associations called the Sons of Liberty had been formed throughout the colonies, and a party of these seized the fugitive stamp-distributor, carried him before a magistrate, and made him swear to resign his commission, and never, either directly or indirectly, contribute to the execution of the Stamp Act. When he had done this, he was considered to have purged himself of his contempt, and by way of comfort was invited to an entertainment, but his nerves were too much shaken for festivities. The stamps arrived soon after on the sloop-of-war Hawke, but as there was no one authorised to receive them, and as the attempt to land them would have raised a riot, they were never landed on the soil of Maryland, and were finally carried back to England.

Sharpe now called an Assembly, which met in a spirit little short of revolutionary. In several cases the constituencies had formally instructed their representatives as to the course of conduct that was expected of them. They were instructed to plant themselves on the ground that the people of Maryland were Eng-

lishmen who had forfeited no jot of their birthright of freedom, and on the express letter of the charter exempting them and their posterity forever from all royal taxation and imposition of every kind; they were notified that an energetic resistance to all such invasions of liberty would be required of them; and that there might be no misunderstanding about the matter, these instructions, in the character of a protest, were to be entered on the journal of the Lower House.

The first business, when the Assembly met, was to take into consideration a letter from the Assembly of Massachusetts proposing a meeting of committees from the various colonial Assemblies to take into consideration the present state of affairs and join in a memorial to England. The proposition was at once unanimously approved by both Houses and the Governor.[1] Next a committee was appointed to draw up a set of resolutions declaratory of "the

[1] The plan of a Congress of the colonies had been broached as early as 1696 by William Penn, who in a memorial to the Board of Trade entitled, *A Briefe and Plain Scheam how the English Collonies in the north part of America . . . may be made more usefull to the Crowne*, suggested an arrangement which commended itself to his judgment. His plan was for a congress of two deputies from each colony to meet at some central point, annually during war, biennially during peace, with a royal commissioner as president, to adjust intercolonial matters, allot quotas, etc.

constitutional rights and privileges of the freemen of the Province." On the 28th of September the committee reported the following resolutions, in the nature of a Bill of Rights: —

I. *Resolved, unanimously,* That the first adventurers and settlers of this province of Maryland brought with them and transmitted to their posterity, and all other his Majesty's subjects since inhabiting in this province, all the liberties, privileges, franchises, and immunities, that at any time have been held, enjoyed, and possessed, by the people of Great Britain.

II. *Resolved, unanimously,* That it was granted by Magna Charta, and other the good laws and statutes of England, and confirmed by the Petition and Bill of Rights, that the subject should not be compelled to contribute to any tax, tallage, aid, or other like charges not set by common consent of Parliament.

III. *Resolved, unanimously,* That by royal charter, granted by his Majesty, king Charles I., the eighth year of his reign and in the year of our Lord one thousand six hundred thirty and two, to Cecilius, then Lord Baltimore, it was, for the encouragement of people to transport themselves and families into this province, amongst other things, covenanted and granted by his said Majesty for himself, his heirs, and successors, as followeth:

"And we will also, and of our more special grace, for us, our heirs and successors, we do strictly enjoin, constitute, ordain and command, that the province

shall be of our allegiance, and that all and singular the subjects and liege people of us, our heirs and successors, transported into the said province, and the children of them, and of such as shall descend from them, there already born, or hereafter to be born, be, and shall be denizens and lieges of us, our heirs, and successors, of our kingdom of England and Ireland, and be in all things held, treated, reputed and esteemed, as the liege faithful people of us, our heirs, and successors, born within our kingdom of England, and likewise any lands, tenements, revenues, services, and other hereditaments whatsoever, within our kingdom of England, and other our dominions, may inherit, or otherwise purchase, receive, take, have, hold, buy and possess, and them may occupy and enjoy, give, sell, alien, and bequeath, as likewise, all liberties, franchises and privileges, of this our kingdom of England, freely, quietly, and peaceably, have and possess, occupy and enjoy, as our liege people, born, or to be born, within our said kingdom of England; without the let, molestation, vexation, trouble, or grievance of us, our heirs and successors, any statute, acts, ordinance, or provision to the contrary thereof, notwithstanding.

"And further our pleasure is, and by these presents, for us, our heirs and successors, we do covenant and grant, to and with the said now Lord Baltimore, his heirs and assigns, that we, our heirs and successors, shall at no time hereafter, set or make, or cause to be set, any imposition, custom, or taxation, rate, or contribution whatsoever, in or upon the dwellers

and inhabitants of the aforesaid province, for their lands, tenements, goods or chattels, within the said province, or in or upon any goods or merchandises, within the said province, or to be laden and unladen within any of the ports or harbors of the said provinces: And our pleasure is, and for us, our heirs, and successors, we charge and command, that this our declaration shall be henceforward, from time to time, received and allowed in all our courts, and before all the judges of us, our heirs and successors, for a sufficient and lawful discharge, payment and acquittance: commanding all and singular our officers and ministers of us, our heirs and successors, and enjoining them upon pain of our high displeasure, that they do not presume, at any time, to attempt any thing to the contrary of the premises, or that they do in any sort withstand the same; but that they be at all times aiding and assisting, as it is fitting, unto the said now Lord Baltimore, and his heirs, factors, and assigns, in the full use and fruition of the benefit of this our charter."

IV. *Resolved*, That it is the *unanimous* opinion of this house, that the said charter is declaratory of the constitutional rights and privileges of the freemen of this province.

V. *Resolved, unanimously*, That trials by juries are the grand bulwark of liberty, the undoubted birth-right of every Englishman, and consequently of every British subject in America; and that the erecting other jurisdictions for the trial of matters of fact, is unconstitutional, and renders the subject insecure in his liberty and property.

VI. *Resolved*, that it is the unanimous opinion of this house, that it cannot, with any truth or propriety, be said, that the freemen of this province of Maryland, are represented in the British Parliament.

VII. *Resolved*, *unanimously*, That his Majesty's liege people of this ancient province have always enjoyed the right of being governed by laws to which they themselves have consented, in the articles of taxes and internal polity; and that the same hath never been forfeited, or any other way yielded up, but hath been constantly recognized by the king and people of Great Britain.

VIII. *Resolved*, That it is the *unanimous* opinion of this house, that the representatives of the freemen of this province, in their legislative capacity, together with the other part of the legislature, have the sole right to lay taxes and impositions on the inhabitants of this province, or their property and effects; and that the laying, imposing, levying or collecting, any tax on or from the inhabitants of Maryland, under color of any other authority, is unconstitutional, and a direct violation of the rights of the freemen of this province.

Having thus defined Maryland's position, the Lower House refused to entertain any other business, and the Assembly was prorogued till November. When they again met, the delegates to the first Continental Congress came before them and reported their action, the Declaration of Rights, the memorial to Parlia-

ment, and the address to the crown; and their course was fully indorsed and themselves thanked for the able and faithful discharge of their duties.

The first of November, the day on which the Stamp Act was to go into operation, came, and there were no stamps in the Province. But the question arose, how was business to be carried on if documents on unstamped paper had no legal value? The court of Frederick County cut the knot by declaring that its business should be carried on without stamps, and when the clerk (probably as matter of form) refused to comply, he was committed for contempt, but released on his submission. Other courts followed the example, and business went on as if the Stamp Act had no existence.

This action, which gave judicial sanction to the popular wish, spread joy throughout the Province, which found expression in various ways, some of them grotesque. In Fredericktown a mock funeral of the Stamp Act was held, at which an effigy of the late stamp distributor officiated as sole mourner, in an attitude of abasement and degradation, and after a burlesque address, both were buried amid loud cheers and ruffs of the drums.

The news of the repeal of the Stamp Act was greeted throughout the colonies with an

explosion of joy like that which hailed the fall of Quebec, and with much of the same feeling. Guns were fired, bonfires blazed, and patriotic addresses, in the finest provincial rhetoric, soared like rockets or were sent flying over to England. In Maryland, after the genial fashion of our ancestors, the feeling of elation found its best expression in banquets, and portentous quantities of punch were quaffed to the health of Pitt, Camden, Barré, and other advocates of colonial liberties. Fervent professions of loyalty were made; good feeling was restored, and even Mr. Hood, whom we last saw wagging a dolorous head in effigy at his own unhonored obsequies, returned to Annapolis, and carried on his legitimate business, whatever it was, unmolested.

But when all this hilarity was over, men began to think. Was the matter going to end here? Would England bear this sneap without reply, and be content to concede to violence and defiance what she had refused to the humblest petitions? They now called to mind that at the very moment of the repeal of the Stamp Act, Parliament had passed an Act declaring "that it was expedient to raise a revenue in America."

In England it was plainly seen that the end was not yet, and that troublous times were in

store for the colonies. Lord Baltimore sent out orders for the sale of his manor lands, of which three or four hundred thousand acres were thrown on the market.

In 1767 the brilliant but rash and headstrong Townshend thought he had found the means to raise a revenue in America without exasperating the Americans, in a set of duties on tea, glass, paper, and painters' colors. The duties were to be collected in the colonies by a Board of Customs, and the hateful "writs of assistance" were authorised, empowering the forcible entry of private houses and dwellings by custom-house officers in search of smuggled goods; not like a special warrant issued on a specific charge attested on oath, but general and at the pleasure of the officers.

This was worse than the Stamp Act, and again the flame broke out. The Assembly of Massachusetts sent a circular letter to the other Assemblies, calling on all to unite in lawful opposition to this invasion of their liberties. Lord Hillsborough, Secretary of State, replied by a circular letter to the colonial governors, instructing them to do their best to counteract the effect of the Massachusetts letter upon the Assemblies. Sharpe notified the Maryland Assembly of his instructions, and exhorted them to take no notice of the letter, but "treat it

with the contempt that it deserved." The Delegates replied that it was a very alarming state of things when dutiful and loyal addresses to the throne were considered seditious and factious documents; and that they were "not to be intimidated by a few sounding expressions from doing what they thought was right."

As to the Massachusetts letter, they said: —

"What we shall do upon this occasion, or whether in consequence of that letter we shall do anything, it is not our present business to communicate to your Excellency; but of this be pleased to be assured, that we cannot be prevailed on to take no notice of, or to treat with the least degree of contempt, a letter so expressive of duty and loyalty to the Sovereign, and so replete with just principles of liberty; and your Excellency may depend that whenever we apprehend the rights of the people to be affected, we shall not fail boldly to assert, and steadily to endeavor to maintain them."

They then drew up a petition to the King, in language at once manly and respectful, planting themselves on the ground of their charter, and on their inalienable rights as British subjects, concluding thus: —

"The people of this Province, Royal Sir, are not in any manner, nor can they ever possibly be, effectually represented in the British Parliament. While, therefore, your Majesty's Commons of Great Britain

continue to give and grant the property of the people in America, your faithful subjects of this and every other colony must be deprived of that most invaluable privilege, the power of granting their own money, and of every opportunity of manifesting by cheerful aids, their attachment to their king, and zeal for his service; they must be cut off from all intercourse with their sovereign, and expect not to hear of the royal approbation; they must submit to the power of the Commons of Great Britain; and precluded the blessings, shall scarcely retain the name of freedom."

The mention of "cheerful aids," in the memory of events of a few years back, must have sounded like fine irony; but on comparing this with the tone of the Assembly of 1689, which grovelled before William, thrust the charter upon him, and was anxious to lay the whole Province under his feet, we can see how far Maryland has travelled. The Lower House is not yet a House of Commons, as it fondly thought itself a hundred years before, but it is well on the way to become one.

They returned an answer of entire concurrence to the Massachusetts Assembly, and were straightway prorogued by the Governor, who was afraid to dissolve them, lest the new Assembly should be worse than the old.

The colonists had now vindicated their posi-

tion in words, but these would be but empty air if they were not backed up by acts. They had frustrated the Stamp Act by refusing to use the stamps, and they could baffle the Act for Duties by refusing to import the goods. Tyranny might find contumacy, but it could hardly find rebellion, in the mere abstention from purchase. Already some movements looking to non-importation had been made; but now the idea took definite shape. Associations were formed, the members of which bound themselves not to import certain commodities, nor purchase them if imported. The agreement of the Maryland Associators distinctly states that they are not only moved by a desire to discourage the use of foreign luxuries and superfluities in the interest of frugality, but also that they see that the taxes imposed are contrary to the spirit of the Constitution, and have a tendency to deprive them of political freedom; and that therefore they will neither import nor buy any goods which have been or hereafter shall be taxed for the purpose of raising a revenue; to which they append a long list of goods which they will not buy, from jewelry and goldsmith's ware to tarred rope and pothooks; nor will they deal with any person for any commodity whatever, who shall offer such goods for sale; nor will those who may have

such goods already on hand raise their prices. They also laid a restriction on the killing of lambs, which meant that they were going to spin and weave their own cloth.

These Associations were spread throughout the counties, and they did not confine themselves to words. They watched vigilantly for the arrival of any forbidden goods, and saw that they were reshipped to England. In at least one case, a vessel was sent back with all her cargo, notwithstanding the remonstrances of the Governor.

This Governor, however, was not the brave and energetic Sharpe, who had been superseded by Robert Eden, the Proprietary's brother-in-law. The change was probably fortunate for the people of Maryland. Eden was a mild and amiable man, who gained the good-will of the people; perhaps for the very cause that he had too little resolution, or too much prudence to offer resistance to the growing popular feeling. Sharpe was emphatically a man of courage and action. We have seen how vigorous were his measures when he commanded the resistance to the French, and when the disaster to Braddock seemed to be about to let the floods of destruction pour over the Province. In his contention with the delegates he upheld what he believed to be the right, with a firmness which won their

respect, though it tried their temper. The Proprietary was quite incapable of appreciating the value of such a servant, and must often have vexed his soul by his grumblings, his greed for money, and his utter indifference to all else that happened in the Province so that his revenues were duly collected and remitted.

CHAPTER XV.

ROBERT EDEN, the last Proprietary Governor, took his seat on June 5, 1769. The Province was still in a ferment. The ministry had notified the colonies that the King did not intend to lay any more revenue taxation upon America, and that the duties on glass, etc., would be taken off, — not because they were unjust or odious to the colonies, but because, being laid on articles of British manufacture, they were "contrary to the true principles of commerce." But the old lime was in this sack too, embittering the whole draught; the threepence duty on tea was left, and the preamble reaffirmed the expediency of raising a revenue in the colonies. Nay, as if the ministry were resolved that concession should not conciliate, there was a movement to revive the statute of Henry VIII., for the punishment of treasons committed out of the King's dominions, and so to construe it that persons charged with treason in America might be carried off to England for trial.

Eden saw the spirit of the people, and noti-

fied the authorities at home that the fact that the cost of tea was really reduced by the act would have no weight in Maryland; that, on the contrary, if they laid a six-penny duty on tea in England, or refused to allow the drawback there, the colonists would be perfectly satisfied.

But, with some of the colonies, the repeal of the duties had weight, and there seemed a growing disposition to give up the non-importation associations. A sarcastic message of condolence was sent from Maryland to Virginia, "upon the untimely death of all her brave sons, who, in defence of the liberties of their country, framed the resolutions at Williamsburg in May last." As Rhode Island was violating the agreement, it was resolved to have no further dealings with her, and two vessels from that colony were sent back with their cargoes.

As colony after colony broke away, opinion in Maryland became divided as to the expediency of adhering to the agreement in all its rigor. Unless there were unanimity of action the object sought would not be gained, and the faithful would suffer to no purpose; while to abandon it, after the removal of the duties, was equivalent to an assertion that their point had been carried and victory won. As for the tea, on which the duty had been retained, the

determination to refuse it was everywhere upheld.

The destruction of the tea in Boston harbor, and its rejection in Philadelphia and New York, brought down upon Massachusetts the wrath of England, in the shape of the Boston Port Bill and the Regulation Act. Maryland was at once in a flame. Meetings were held, in which common cause was made with Massachusetts, and it was recommended that a general policy of non-exportation and non-importation to or from Great Britain and the West Indies should be maintained until the Port Bill was rescinded. Committees of Correspondence and other associations were formed in the several counties to carry out this policy in an efficient and organic way. The people subscribed liberally, poor as well as rich, for the relief of the Bostonians, and sent them shiploads of provisions.

But something more than this had to be done: the determination of the people, the sovereign will of the people, could not be executed by anything less than a consistent organic policy; nor could such a policy be carried out by Committees of Correspondence, to say nothing of the Proprietary government, which was antagonistic so far as it was not helpless. So far as the assertion and maintenance of their

liberties were concerned, the people determined to take the attributes of government into their own hands, and for this purpose a representative and executive body was required.

The citizens of Baltimore, in town-meeting, on the 31st of May, had recommended "a general congress of deputies, from all the counties," to meet in Annapolis. Here was the solution of the problem. The people of the counties chose delegates, ninety-two in number, to a convention which met in Annapolis on June 22d. They passed resolutions urging unity of action, defined the attitude of the Province, and the objects sought, and recommended that a congress of deputies from all the colonies should assemble at an early date, to which congress they appointed Matthew Tilghman, Thomas Johnson, Jr., Robert Goldsborough, William Paca, and Samuel Chase, as the representatives of the people of Maryland. This done, they adjourned. But from this time forth the Convention remained as the depositary or organ of the sovereign power of the people of Maryland, so far as that power was antagonistic to Great Britain. As the antagonism increased the power and scope of the Convention widened, until it summed in itself all power, and became the government.

On October 15, 1774, the brig Peggy Stew-

art arrived at Annapolis from England, with an assorted cargo, in which were seventeen packages of tea, consigned to James and Joseph Williams, merchants of that city. Anthony Stewart, the owner of the brig, was one of the signers of the non-importation agreement; but, in order to land the rest of the cargo, he rashly paid the duty on the tea, in which he had no interest. The people were indignant at what they considered not only treason but defiance. A guard was placed on the vessel, and the Convention was summoned, to decide what was to be done. Stewart was now thoroughly frightened, and begged to be allowed to appear before a meeting of his fellow-citizens of Annapolis, and purge himself of his contempt. A meeting was called, before which the offending parties appeared, with much contrition, offering to land the tea and burn it publicly; but this proposal, though satisfactory to some, was not deemed sufficient expiation by the majority.

The Convention met, and Stewart and the two Williamses came forward very humbly and contritely, and signed a paper confessing their offence, with many expressions of regret and self-condemnation, and reiterating their offer to destroy the tea in the sight of all men. As to the Williamses, this procedure seemed

to be satisfactory, but it appeared to leave Stewart, who, as a recreant associator, was specially obnoxious, unpunished; so it was proposed that the brig, too, should be burnt, but this was negatived by the majority. The minority, however, would not be content; and as they avowed a determination to collect a force and burn the vessel, in spite of all opposition, a riot would probably have resulted, had not Stewart, who saw there was no escape, taken the wisest course, by offering to burn his brig with his own hands. His offer was accepted: the brig was run aground near Windmill Point, and the owner, going on board in a boat, set her on fire as she stood, with all her sails and rigging, the crowd watching till she burned to the water's edge.

This was the tea-burning of Maryland, done openly, in broad daylight, with no concealment or disguise, by men who avowed what they did, and stood ready to face the consequences.

What had the Proprietary government been doing all this time? It, too, had had its share of troubles, over and above the contest with England. The origin and nature of these troubles must be briefly explained.

We have seen how the tobacco-duty of 1671, amounting to two shillings on every hogshead exported, was divided, — half going to the Pro-

prietary, and half to the support of the government and defence of the Province. When the government was seized by the crown, this moiety of the duty was chiefly used to pay the royal Governor. After the restoration of the Province it seems to have remained in abeyance until 1733, when it was again collected. In 1739 the Assembly raised an objection to it, on the ground that it was an unconstitutional tax, levied, like Charles's ship-money, without the assent of the people; but they offered to pass an Act securing the same amount by law. To this Act, Governor Ogle refused his assent; and though the tax was collected, it was not without continued remonstrances on the part of the Lower House, and was one of the standing grievances.

In 1749 the Delegates refused a new assessment to pay the salary of the clerk of the Council, taking the ground that they had a right to know that the tobacco-duty had been legitimately expended before they called on the people for contributions. The Upper House said that the clerk was the servant of the people and should be paid by the people. Wranglings on this point continued for years; and in 1765 they reached a dead-lock. The usual appropriation bill was not passed, and the holders of claims against the Province found them-

selves badly off; so to provide some remedy for this financial trouble, bills of credit were issued, with provisions, which need not be explained here, for their redemption in 1777.

The Proprietary, as we have seen, was continually tormenting the Governor to find lucrative places in Maryland for his connections and friends, and grumbling if there was any delay about it. The fees and perquisites of these favorites had grown to be an intolerable burden, and in 1770 there was an angry quarrel between the Houses, and the Assembly was prorogued without renewing the Act of 1763, fixing these fees, which expired the same year. Governor Eden, finding himself with no law to act under, took the bold step of restoring the Act of 1763 by proclamation, and thus taxing the people by a direct exercise of prerogative.

The Assembly, on meeting, determined to bring the matter at once to an issue, and imprisoned a clerk who had drawn his fees under the proclamation, upon which they were prorogued by the Governor.

Coupled with this was another grievance of a somewhat similar character, but relating to the provision made for the support of the clergy. The old forty pounds of tobacco per poll, of which we have heard so much, had

been reduced to thirty pounds in 1763, by a Supplementary Act, which modified, but did not repeal, the Act of 1702. This Supplementary Act expired in 1770, like the fee bill, and, like it, without renewal. Governor Eden took the ground, in this case, that, in default of other legislation, the Act of 1702 was still in force, restoring the forty pounds.

The question, after long arguments in the Assembly, was taken up by the people. Irritating as the imposition was, the legality of the Governor's position seemed impregnable, until an anonymous writer in the "Gazette" took a stand which startled everybody. This was nothing less than an assertion that the old Act of 1702 was itself void and of no effect, inasmuch as the House which passed it, and which met on March 16th, had been elected under writs running in the name of King William, who had died on March 8th. With the death of the King, this writer held, the authority conveyed by writs running in his name ceased, and the House thus meeting without authority was an unlawful House, and all its acts null and void.

Marylanders had by this time learned to take a high interest in legal and constitutional questions; and here were questions on which men might argue till doomsday, and full of those

nice subtleties and refined abstractions in which the legal mind finds perennial joy. The opposing champions soon grappled each other. An able article appeared in the form of a dialogue between two citizens, one of whom opposed the ground taken by the Governor, and the other, the "Second Citizen," defended it, and was made to gain the victory. The article was anonymous, but it was recognised as the production of Daniel Dulany, the Provincial Secretary, and a lawyer of eminent ability. Mr. Charles Carroll of Carrollton [1] now came forward as the "First Citizen," whose arguments had not been fairly stated in the former paper, and answered his antagonist.

Mr. Carroll was fully a match for the Secretary. Sprung of a line of gentlemen who had held positions of honor and trust in the Province, despite their Romanist faith, for a hundred years, he had received the best education that could then be given, at the Jesuit's College of St. Omer, and then at the College of Louis le Grand in Paris. Next he spent seven

[1] The popular idea that Mr. Carroll added "of Carrollton" to his name at the time of signing the Declaration of Independence is a legend of later growth. He habitually signed in that style to distinguish himself from his equally patriotic cousin, Charles Carroll, "Barrister," and his signature with this affix is appended to the Declaration of the Associators of 1775.

years in the study of the English law as a member of the Inner Temple, and returned to Maryland at the age of twenty-eight.

In this contest Mr. Carroll, at least according to the popular opinion, which regarded him as the champion of freedom against prerogative, gained an overwhelming victory. The elections of 1773 turned on this question, and the anti-proclamation party was triumphant. Great rejoicings were held, votes of thanks to the "First Citizen" were passed, and the proclamation was buried in a solemn mock-funeral, a practical form of sarcasm which seems to have given great delight to our ancestors a hundred years ago.

In 1771 Frederick, the sixth Lord Baltimore, died, leaving no legitimate issue, and with him the title expired. He bequeathed the Province of Maryland to a natural son, a minor, who went by the name of Henry Harford. In the first Assembly held in the name of the new Proprietary all the proceedings in the matter of the proclamation were declared to be illegal, unconstitutional, and arbitrary. Thus the wedge had now been driven home, and the rift was daily widening.

To recite the acts of the Continental Congress, at which Maryland was duly represented, does not come within the purview of this nar-

rative. Local committees were formed in the counties to carry out the measures that the Congress recommended, and the Convention met, as before, in Annapolis, to whom the deputies to Congress reported their proceedings. They already began to see in what way events were drifting, and they pledged the Province to resist, to the utmost of its power, any attempt to enforce the late obnoxious acts of Parliament against any one of the colonies. And to give notice to all men that they did not mean "moral support" merely, but proposed to act in the spirit of the motto of the Province, they recommended a general organisation and arming of the militia. Committees were formed to see that the resolutions of Congress and of the Convention were observed, and to keep up correspondence with the other colonies.

The spirit of revolution was now fully aroused, preparations for the coming struggle were hastened, and war in procinct met the eye everywhere. An eye-witness, Mr. Eddis, writes to England in July, 1775, "Government is now almost totally annihilated, and power transferred to the multitude. Speeches become dangerous, letters are intercepted, confidence betrayed, and every measure evidently tends to the most fatal extremities. The sword

is drawn, and without some providential change of measures the blood of thousands will be shed in this unnatural contest. The inhabitants of this Province are incorporated under military regulations and apply the greater part of their time to the different branches of discipline. In Annapolis there are two complete companies; in Baltimore seven; and in every district of this Province the majority of the people are actually under arms."

Eddis had said that the government was almost annihilated, but in fact the Convention was now really the government. Eden, who was generally liked, notwithstanding the proclamation, was treated with courtesy, but was politically impotent. A committee of the Convention waited on him to request that the arms and ammunition belonging to the Province might be distributed to the people; but, willing to spare him the necessity of yielding to what he could but regard as treason, they colored the demand with the pretext that a revolt of the slaves was feared. Eden remonstrated with them, but in vain, and ended by furnishing the arms to the colonels of militia for the use of their regiments.

The battle of Bunker Hill made peace almost hopeless, and the activity in Maryland was increased. In addition to her quota to the

Continental Army she sent to Boston two companies of expert riflemen commanded by Michael Cresap[1] and Otho Holland Williams. These riflemen were objects of great curiosity at the North, not only for their extraordinary dexterity with the rifle, but also for their backwoods dress of hunting-shirts and moccasins. They did excellent service as sharpshooters.

On the 26th of July, 1775, the Convention again assembled, and now formally took the government of the Province into its hands. It issued the following Declaration and Pledge, subscribed first by its own members, and then offered for subscription to the freemen of the Province: —

"The long premeditated, and now avowed, design of the British government, to raise a revenue from the property of the colonists without their consent, on the gift, grant, and disposition of the Commons of Great Britain; and the arbitrary and vindictive statutes passed under color of subduing a riot, to subdue by military force and by famine the Massachusetts Bay; the unlimited power assumed by Parliament

[1] Son of Thomas Cresap of border renown. Gross injustice has been done this gallant man by the charge of murdering the family of the Indian Logan, whose speech was once thought a fine specimen of Indian eloquence. Colonel Brantz Mayor, in his *Tah-gah-jute*, has shown that Cresap was not present at that massacre, and that what Logan really said, whatever it was, was not a speech but a verbal message.

to alter the charter of that Province and the constitutions of all the colonies, thereby destroying the essential securities of the lives, liberties, and properties of the colonists; the commencement of hostilities by the ministerial forces, and the cruel prosecution of the war against the people of Massachusetts Bay, followed by General Gage's proclamation, declaring almost the whole of the inhabitants of the united colonies, by name or description, rebels and traitors; are sufficient causes to arm a free people in defence of their liberty, and justify resistance, no longer dictated by prudence merely, but by necessity; and leave no other alternative but base submission or manly opposition to uncontrollable tyranny. The Congress chose the latter; and for the express purpose of securing and defending the united colonies, and preserving them in safety against all attempts to carry the above mentioned acts into execution by force of arms, resolved that the said colonies be immediately put into a state of defence, and now supports, at the joint expense, an army to restrain the further violence, and repel the future attacks of a disappointed and exasperated enemy.

"We therefore inhabitants of the Province of Maryland, firmly persuaded that it is necessary and justifiable to repel force by force, do approve of the opposition by arms to the British troops employed to enforce obedience to the late acts and statutes of the British Parliament for raising a revenue in America, and altering and changing the charter and constitution of the Massachusetts Bay, and for destroying

the essential securities for the lives, liberties, and properties of the subjects in the united colonies. And we do unite and associate as one band, and firmly and solemnly engage and pledge ourselves to each other, and to America, that we will, to the utmost of our power, promote and support the present opposition, carrying on as well by arms as by the continental association restraining our commerce.

"And as in these times of public danger, and until a reconciliation with Great Britain on constitutional principles is effected, (an event we ardently wish may soon take place) the energy of government may be greatly impaired, so that even zeal unrestrained may be productive of anarchy and confusion, we do in like manner unite, associate, and solemnly engage, in maintenance of good order and the public peace, to support the civil power in the due execution of the laws, so far as may be consistent with the present plan of opposition; and to defend with our utmost power all persons from every species of outrage to themselves or their property, and to prevent any punishment from being inflicted on any offenders other than such as shall be adjudged by the civil magistrate, the Continental Congress, our Convention, Council of Safety, or Committees of Observation."

Thus the exercise of the supreme power, paramount to all law, was placed by the freemen in the hands of the Convention, composed of five delegates from each county, elected an-

nually by the qualified electors. It was bound by nothing, not even the resolutions of the Continental Congress, except so far as it pleased to assent to them. Its executive powers were exercised through committees; the Council of Safety, of sixteen members, half from each shore, sitting in permanence, which officered and directed the militia, and administered the finances; and Committees of Observation, elected in each county, whose business it was to see to the enforcement of the resolves of the Convention, and to report suspicious persons or any matters of consequence to the Council of Safety. No man was compelled to join the association or to take the pledge; but the names of recusants were reported, and an eye was kept on their conduct. Violators of the pledge, or persons guilty of "acts tending to disunite the people and to destroy the liberties of America," might be banished by the Council of Safety, or imprisoned until the Convention had determined upon them.

This Convention, then, was in theory as despotic as the French Convention of 1793, and the difference of its proceedings is characteristic of a race which instinctively revolts at arbitrary action and cannot endure unlaw. All its proceedings were marked by respect for the forms of law and for natural equity; and in

times of the greatest excitement and danger it kept its self-control. Its acts were sometimes summary and harsh, for revolutions are not made with rose-water; but they were never ferocious, sanguinary, or needlessly vindictive.

CHAPTER XVI.

THE same moderation characterised the political action of the Convention. The attachment of the Province to England and the English constitution was yet strong, and hopes of reconciliation were still cherished by the truest patriots. Restrictions were laid upon the deputies to the Congress of 1776, forbidding them, except under certain special circumstances, to assent to any declaration of independence, to any alliance with a foreign power, or to any form of confederation which involved a separation from Great Britain; and they were strictly charged, while so acting as to secure the colonies against invasion of their rights, to seek redress by such means as would tend to reconciliation. At the same time they were instructed to coöperate in such military measures as might be necessary for the common defence. The Convention also issued a Declaration, on January 18th, in which they set forth to the world the causes which had moved them to action and the end which they had in view.

As British vessels had been for some time

making descents on the plantations of Maryland and Virginia bordering on the bay, Congress armed and commissioned several small vessels for their defence, and the Convention also fitted out several cruisers. One of the former intercepted a correspondence between Governor Eden and the British ministry, relating to assistance to be furnished by Eden in military operations presently to be undertaken. This correspondence was sent to Congress, which requested Mr. Purviance, Chairman of the Baltimore Committee of Observation, to order Eden's arrest. Mr. Purviance, in his zeal, forgot that he had no authority except under the Convention and within his own county, and sent an officer to make the arrest; but the Council of Safety interfered and forbade it. Congress passed a resolution that Eden should be arrested, to which the Council replied with a polite intimation that Congress was over-stepping its powers, and that they chose to manage their own affairs in their own way. They accepted from Eden a promise that he would await the meeting of the Convention, and left him for the time unmolested.

The Convention, when it met, entirely approved the proceedings of the Council of Safety, and Eden was notified that he was at full liberty to depart with all his effects. Virginia

took it upon herself to remonstrate, upon which she was sharply snubbed and told to mind her own business.

The Convention now, drawing its authority directly from the people, was really supreme in the Province during the abeyance of the royal authority. The Governor, who, since April, 1774, had kept an Assembly from sitting by repeated prorogations, as the time for which the members had been elected expired in August, 1775, issued new writs of election. But the Convention met before the writs were returnable, and on June 25, 1776, forbade the election. Eden had left the Province on board a British frigate the previous day, so that the phantasm which was all that was left of the Proprietary government vanished utterly, and all legislative and executive power devolved upon the Convention.

The Convention was perfectly aware of its positions and responsibilities. It was willing to carry out, so far as it approved them, the measures of the Continental Congress; but it knew that so far as it came into contact with Congress, namely, through its deputies, it, and not Congress, was supreme; and it kept those deputies fully instructed that no interference with Maryland's right of self-government would be tolerated, which would have been a servi-

tude at least as bad as that which she was resisting. It acknowledged but one superior authority, and that was the sovereign power itself, the source of all authority, the freemen of Maryland acting in their political capacity.

How perfectly the Convention understood the situation, appears from its next action. The sentiment in Congress was setting strongly in favor of independence, and a resolution had been offered to that effect by the deputies of Virginia; but Maryland did not draw her inspiration from Congress. Even some of the Maryland deputies were a little hazy in their views, and expressed a wish that the Convention might soon "give the explicit sense of the Province on this point," adding, as an afterthought, that "it *would be well* if the delegates to the Convention were desired to *endeavor to collect* the opinion of the people."

The attitude of the Convention at this time is well worth considering, as it shows what kind of men guided the councils of Maryland a hundred years ago. It had originally been formed to carry out the non-importation agreements in conjunction with the other colonies, and to coöperate with them in resisting invasion of the liberties of the people, and so became the representative of the will of Maryland in its policy of resistance. By the demise of the Proprietary

government, it had fallen heir to its powers of internal control, and it had the hearty support of the people. It was a time of strong excitement; a great war was impending; other colonies were impatient for Maryland to act; the feeling in the Province was ardent for independence. Yet it never for an instant forgot that it had been empowered to exercise its functions with a view to reconciliation with Great Britain, and that it had no power to declare independence — for that it must go to the people. If there is one thing in Maryland's honored history to which her sons can look back with especial — perhaps melancholy — pride, it is the action of the Convention of 1776.

They summoned their deputies back from Congress, and then laid the whole question before the freemen. These, meeting in their sovereign political capacity in their several counties, instructed their representatives in the Convention to rescind the restrictions imposed upon the deputies in Congress, and to allow them to unite with those of the other colonies in declaring independence and forming a confederation.

So now the Convention could act. On June 28, 1776, on motion of Charles Carroll, the restrictions were rescinded, to the great joy of the people, and new instructions transmitted to

the deputies, who instantly joined with the rest in the preparation of a declaration of Independence.

While heartily in sympathy with the common action, Maryland thought it due to herself to act for herself; and on the 3d of July the Convention drew up Maryland's Declaration of Independence, a memorable document, which runs as follows: —

"A DECLARATION OF THE DELEGATES OF MARYLAND.

"To be exempted from the Parliamentary taxation, and to regulate their internal government and polity, the people of this colony have ever considered as their inherent and unalienable right; without the former, they can have no property; without the latter, no security for their lives or liberties.

"The Parliament of Great Britain has of late claimed an uncontrollable right of binding these colonies in all cases whatsoever; to enforce an unconditional submission to this claim the legislative and executive powers of that State have invariably pursued for these ten years past a steadier system of oppression, by passing many impolitic, severe, and cruel acts for raising a revenue from the colonists; by depriving them in many cases of the trial by jury; by altering the chartered constitution of our colony, and the entire stoppage of the trade of its capital; by cutting off all intercourse between the colonies; by

restraining them from fishing on their own coasts; by extending the limits of, and erecting an arbitrary government in the Province of Quebec; by confiscating the property of the colonists taken on the seas, and compelling the crews of their vessels, under the pain of death, to act against their native country and dearest friends; by declaring all seizures, detention, or destruction of the persons or property of the colonists, to be legal and just.

"A war unjustly commenced hath been prosecuted against the united colonies with cruelty, outrageous violence, and perfidy; slaves, savages, and foreign mercenaries have been meanly hired to rob a people of their property, liberties, and lives; a people guilty of no other crime than deeming the last of no estimation without the secure enjoyment of the former; their humble and dutiful petitions for peace, liberty, and safety have been rejected with scorn; secure of, and relying on foreign aid, not on his national forces, the unrelenting monarch of Britain hath at length avowed, by his answer to the city of London, his determined and inexorable resolution of reducing these colonies to abject slavery.

"Compelled by dire necessity, either to surrender our properties, liberties, and lives into the hands of a British King and Parliament, or to use such means as will most probably secure to us and our posterity those invaluable blessings, —

"WE, THE DELEGATES OF MARYLAND, in Convention assembled, do declare that the King of Great Britain has violated his compact with this people,

and they owe no allegiance to him. We have therefore thought it just and necessary to empower our deputies in congress to join with a majority of the united colonies in declaring them free and independent States, in framing such further confederation between them, in making foreign alliances, and in adopting such other measures as shall be judged necessary for the preservation of their liberties; provided the sole and exclusive rights of regulating the internal polity and government of this colony be reserved for the people thereof. We have also thought proper to call a new Convention, for the purpose of establishing a government in this colony. No ambitious views, no desire of independence, induced the people of Maryland to form an union with the other colonies. To procure an exemption from parliamentary taxation, and to continue to the legislatures of these colonies the sole and exclusive right of regulating their internal polity, was our original and only motive. To maintain inviolate our liberties and to transmit them unimpaired to posterity, was our duty and first wish; our next, to continue connected with, and dependent on, Great Britain. For the truth of these assertions, we appeal to that Almighty Being who is emphatically styled the Searcher of hearts, and from whose omniscience nothing is concealed. Relying on His divine protection and affiance, and trusting to the justice of our cause, we exhort and conjure every virtuous citizen to join cordially in the defence of our common rights, and in maintenance of the freedom of this and her sister colonies."

On the evening of the 4th of July the deputies in Congress adopted the Declaration of Independence, — that is, they approved and accepted the form which had been laid before them by the committee. It was not engrossed nor signed until the 2d of August; but in the mean time it was printed and proclaimed throughout Maryland, and everywhere accepted with enthusiasm.

Thus Maryland having declared, through her authorised representatives, in the one case as an individual act, and in the other as a joint action with the other colonies, that she was henceforth independent of Great Britain, rose up at once a free and sovereign State. The question tried and determined by the war was whether she would be able to maintain that independence.

One thing more remained. The Convention recognised itself as a merely provisional body, uniting in itself functions and powers which, in a free government, should be kept distinct. It therefore drew up a Bill of Rights and a Constitution, provided for a new election at which the Constitution should be submitted to the people and the officers of the new government chosen, and then abdicated its position by a simple adjournment, leaving the direction of affairs in the interim, in the hands of the Council of

Safety. The new government began on March 21, 1777, and the Council of Safety transferred the records and papers to the appropriate officers, and then dissolved itself.

The Proprietary's individual rights were respected for some time after his government had come to an end. But in 1780 the people had become exasperated by the continual plots and conspiracies of the tories, and by the refusal of the English trustees to honor the drafts of the State drawn against the public funds in the Bank of England, and a law was passed confiscating the property of all British subjects in Maryland, an exception being made in favor of Ex-governor Sharpe, who was allowed the option of selling his property to Maryland purchasers within two years, or of returning to the State within that time and becoming a citizen.

By this law all the landed domains of Henry Harford were sequestered to the State, and the quit-rents being afterwards abolished, not taken by the State, the original freeholds became pure allodial holdings, as in the primitive days of the race. Harford afterwards received £10,000 from the State in compromise of litigation about the trust-fund, and £90,000 indemnity from the British treasury.

The history of Maryland's share in the War of Independence would be the history of the

war itself, and does not fall within the scope of this narrative. But one thing must be remembered: Maryland fought through nearly the whole of the war, not only as a sovereign, but as an unconfederated State. She was an ally, not a member, of the Confederation. It was not until March 1, 1781, when an equitable arrangement with regard to the western lands had been agreed to, that Maryland entered the Confederation as the thirteenth and last State.

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